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SPEECH  
OF  
HON. JOHN A. LOGAN  
ON THE  
FITZ-JOHN PORTER CASE  
*Dec. 29th, 1882, and Jan. 2d-3d, 1883.*





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FITZ-JOHN PORTER.

SPEECH

OF

HON. JOHN A. LOGAN,

OF ILLINOIS.

IN THE

SENATE OF THE UNITED STATES.

*Friday, December 29, 1882, and Tuesday and Wednesday,  
January 2 and 3, 1883,*

ON

THE BILL (S. 1844) FOR THE RELIEF OF FITZ-JOHN PORTER.

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WASHINGTON.

1883.





SPEECH  
OF  
HON. JOHN A. LOGAN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1814) for the relief of Fitz-John Porter—

Mr. LOGAN said :

Mr. PRESIDENT: I know that it is very difficult for Senators to be required at each session of Congress to listen to a protracted discussion of this question, but I deem it my duty as long as I shall hold a place in the Senate, having very strong convictions in reference to this question, to oppose the consummation proposed by the Senator from New Jersey [Mr. SEWELL], and if Senators will give me their attention I shall try to discuss this proposition upon the law and the facts. I think there would be no difficulty in arriving at a correct conclusion in reference to the guilt or innocence of this person, who was charged before a court-martial, if we could divest ourselves of much of what I might term extraneous matter that is constantly thrust into the case.

This seems to be the court of last resort in this case. In other words, the Congress of the United States is asked by this bill to take up and review the proceedings of a court-martial, to examine the evidence given before a board of inquiry subsequent to the court-martial, and to decide whether or not that court-martial made a proper decision according to the law and the facts.

If the court-martial decided correctly, according to the law and the facts before it, then Congress ought certainly not to place this man in the Army again. If that court-martial decided against the law and the facts, I do not deny that the power exists in Congress to authorize his nomination to a place in the Army. I deny the power of Congress to review the court-martial; but that they have the right to authorize him to be put in the Army I do not deny. When this case was formerly before the Congress of the United States there was then a continuing sentence of the court-martial which prohibited him from holding any office of trust or profit under the United States. The main question discussed before the Senate at that time, or the one that engrossed the mind of the Senate, was whether or not Congress had the power to review the action of a court-martial and set aside its sentence. I took the ground then, and maintained it, I believe, by decisions of the courts from the time decisions were made in this country in reference to questions of that kind, that Congress did not have the power. Since that time an application has been made to the President of the United States to remit so much of the judgment of the court-martial as prohibited him from holding any office of trust or profit. That has been done. Now, the question is whether or not the record of the court-martial shall be examined by Congress and Congress decide that that court-martial went beyond its jurisdiction, beyond the law and the facts, in finding a verdict of guilty. If Congress comes to the conclusion that it did, then

Congress may by an act give the President of the United States authority to nominate him again to a position in the Army.

THERE ARE BUT TWO QUESTIONS.

Now, what is the point? There are but two questions: first, what is the law; second, what is the evidence applicable to that law for this tribunal to examine. As I said, if much extraneous matter was laid aside there would be but little difficulty in arriving at a correct conclusion in this case.

The Senator from New Jersey yesterday in making his remarks might have been saved a great deal of trouble if he had asked for the first volume of the proceedings of this board of officers. If the latter part of it had been read to the Senate it would have saved him from making his speech. If any one will examine the arguments which have been made in his behalf from the time this case was first presented to Congress down to the present time, he will find it is a repetition of the argument made and filed before that board by Fitz-John Porter himself, and all the letters, orders, documents, and everything that was presented here yesterday are found in connection with his argument before that board.

I was criticised yesterday by the Senator from New Jersey because of a report which I made. But before proceeding to that, if the Senate will excuse me, I desire to state the propositions I am going to discuss.

It has been attempted in all the arguments made in defense of Fitz-John Porter to impress upon the minds of the Senate and the country that there was a limit to military obedience found in the Napoleonic maxims that would apply to this case. As read, reread, reiterated everywhere, it has been said that in these maxims it is found that a commanding officer's order is not necessarily to be obeyed unless he is present and observing the situation. That is not the law, and I will show it.

NAPOLEON'S LEADING MAXIM.

One of the great leading maxims in Napoleon's military experience—you will find it in all his campaigns and it was a standing order to all his corps commanders—was that when the general of the army was not present to give orders, each corps commander should march to the sound of the enemy's guns. That was a general order in all his campaigns.

THE LAW IN REFERENCE TO DISOBEDIENCE OF ORDERS.

But, sir, let us see what the law is in reference to obedience to orders. The great military authority that is referred to by all courts-martial of this country and by all military lawyers is De Hart. What does he say? Any Senator here who has examined military authorities knows that is the authority appealed to in reference to courts-martial in this country. De Hart says this as a rule laid down in military law:

Hesitancy in the execution of a military order is clearly, under most circumstances, a serious offense, and would subject one to severe penalties; but actual disobedience is a crime which the law has stigmatized as of the highest degree, and against which is denounced the extreme punishment of death.—(De Hart, p. 165.)

The same author says further:

"In every case, then, in which an order is not clearly in derogation of some right or obligation created by law, the command of a superior must meet with unhesitating and instant obedience." So vital to the military system is this subordination of will and action deemed, that it is secured by the most solemn of human sanctions. Each officer and soldier, before entering the service, swears that he "will observe and obey the orders of the officers appointed over him."

Mr. Pendergrast, in his "Law Relating to Officers in the Army" (revised edition, 1851, page 53), says:

The duty of military obedience to the commands of superior officers is most fully recognized by courts of law; and it has been held that disobedience never admits of justification; that nothing but the physical impossibility of obeying an order can excuse the non-performance of it; and that when such impossibility is proved, the charge of disobedience falls to the ground. The learning on this subject is to be found in the great case of *Sutton vs. Johnstone* (first Term Reports, 548), which was an action by Captain Sutton, of His Majesty's ship *Lis*, against Commodore Johnstone, for arresting and imprisoning him on charges of misconduct and disobedience to orders in the action with the French squadron under M. Suffrein, in Ponto Praya Bay, in the year 1782; and there the two chief justices, Lord Mansfield and Lord Loughborough, laid down the law in the following terms:

"A subordinate officer must not judge of the danger, propriety, expediency, or consequence of the order he receives; he must obey; nothing can excuse him but a physical impossibility. A forlorn hope is devoted; many gallant officers have been devoted; fleets have been saved and victories obtained by ordering particular ships upon desperate services, with almost a certainty of death or capture."

Mr. Pendergrast, in his citation, makes the reservation, always understood, that the order given is not manifestly and clearly illegal.

The General-in-Chief of the American Army (Sherman), in referring to this principle of obedience to orders in action (21th February, 1870), re-enunciated the rule laid down by the two eminent lord chief-justices, for he said:

The stronger the force of the enemy present at the time the officer received the orders, the greater the necessity for him and his troops to pitch in, even if roughly handled, to relieve, *pro tanto*, the other forces engaged.

Now, sir, contrast that with the maxim which has been tried to be palmed off upon this country for the law of the land, that an officer may or may not obey an order except the general is present and understands the circumstances surrounding the case.

#### THE LAW UNDER WHICH FITZ-JOHN PORTER WAS TRIED.

To make this a little clearer—for I want to call the attention of the Senate to the statute law first, and then to the evidence, for I intend to deal with the law and the facts as applicable to the disobedience of orders at the time charged before the court-martial—from the Articles of War of the United States let me read the law under which Fitz-John Porter was tried before a court-martial. It was at that time article 9 of the Articles of War. By changes it has become article 21 in the Revised Statutes:

ART. 21. Any officer or soldier who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon, or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer death, or such other punishment as a court-martial may direct.

That is the law under which the armies of the United States are governed in reference to the execution of orders. That is the law under which Fitz-John Porter was tried, and it is under this section that the court-martial got the right to attach penalties to him prohibiting him from holding office under the language "or such other punishment as a court-martial may direct."

That being the law, the only question in the case before the court-martial was, did he receive a lawful order or orders? And, if so, did he obey the order or orders? That was all the court had to decide; was it an order that he could have obeyed, and if so, did he do it?

Yet we are told, we were told yesterday and were told by the board which is considered immaculate by Senators and by some gentlemen in

this country, that Pope was mistaken as to the road, first; second, he was mistaken as to what was in Porter's front at the time. Pope mistaken! Why, Mr. President, all the argument that has been made in defense of this man has been an attempt to try General John Pope and not to try the facts in the case of Fitz-John Porter. I desire to reply now before I go any further, first to the Senator's remarks of yesterday in reference to my report, and then I will come back and confine myself to the law and the facts in this case.

The Senator from New Jersey criticised my report because I had charged that this was an illegal board, without responsibility, without the power to try or to decide or to swear witnesses, and he undertook to argue that I had attacked the board because I stated these facts in my report. Did I state anything that was not true?

WILLING TO BE INTERRUPTED.

But, sir, before proceeding further I want to say that during all the time I shall discuss this question from now until I conclude, I am willing to be interrupted and asked any question on any law proposition or any of the facts of the case in order that we may all understand it and have it made plain.

THE BOARD OF THREE OFFICERS.

Did that board have authority to try this case? I say no. Why? Where did the President get authority to authorize any person to administer oaths who was not a competent officer to administer oaths? Will some one tell me? Where does the President get authority to appoint a board to re-examine court-martial proceedings that have been approved? I should like some lawyer to show me the law. Sir, this was attempted when we discussed this question here before. A Senator got up and read law to the Senate, and called my attention to the fact that the law authorized a court of inquiry. That only proved to any one who had any knowledge of military law that that Senator did not understand military law. The board of inquiry authorized by the statute is a board to inquire into an officer's conduct then in the Army, to see whether his conduct is such that charges should be preferred against him before a court-martial. That is a court of inquiry. This was not a court of inquiry. It was a board of three officers, appointed by the President of the United States without any law, without any authority, without any justification or excuse in law.

As I said before I say again, if the President wanted to authorize three officers, or a dozen officers, to examine into a question and report to him to say what the facts were, so that he might form an opinion as to his right to pardon a man, that is one thing; but when a board examines a case and makes a recommendation that a man should be restored to the Army and paid over \$70,000, which was their recommendation (that is, it would have been that amount to have put him back as they recommended him to be put back, that is beyond their authority, it is beyond the scope of the authority of any power that exists in law, and I defy contradiction from any man, lawyer, judge, or Senator.

Mr. MORGAN. Was there no enabling act for the establishment of this board?

Mr. LOGAN. No, sir; it was merely an order from the President of the United States, and he had no more power to do it than the Senator has in law, and no Senator or lawyer can find the authority anywhere. It was an illegal, unauthorized, unlawful board. The Senator from New Jersey criticised me for saying not quite so strong as I have said

it now, but I now repeat it, that it was an illegal, unauthorized, unwarranted board, with no power to find a verdict, with no power to swear witnesses, and no power to compel the attendance of witnesses. Hence I said that the opinion of this board was the opinion of three respectable gentlemen, and that is all it is, with no more force, no more power than the opinion of any other three gentlemen to examine this evidence. That is all the force that there is in it. But yet it is paraded before the country as a court to inquire into the merits of the case, into the evidence and into the law, and therefore it is claimed that their report must be taken as law and fact in this case no matter what any one may think in reference to the law and the facts in forming his own judgment.

#### NO POWER TO SWEAR WITNESSES.

The Senator from New Jersey embodied in his argument their report, and in many instances he undertakes to show that they had the power to swear witnesses and bring them before the board, and he criticised General Pope because he did not appear before it. I would not have appeared before it if they had summoned me. I would have let the President know by my refusal to obey a summons that he had no authority to appoint a board in violation of law to overturn the judgment of a court that was as final and binding as a judgment of the Supreme Court of the United States. The Senator says that they examined the case and finally decided that they might swear witnesses. Suppose they did, it only proves what I said before. If there was any man on that board who called himself a lawyer I am willing he should say so, but I do not think any good lawyer would agree to it. They determined that they could swear witnesses. What did they determine finally? They say in their report, that is, in the proceedings, that an Army officer being put upon his honor, his word is just as good as an oath, and therefore they do not see that it is very essential whether they should swear a man or take his word. I am not saying that an Army officer's word is not as good as his oath and I am not going to say that any other gentleman's word is not as good as his oath, but I think that for an Army officer to be singled out and his word taken not under oath when a citizen must be sworn is a new phase in the jurisprudence of this country. I consider an Army officer a gentleman if he acts as a gentleman; I consider a citizen a gentleman if he acts as a gentleman; but unless he does, it does not make him a gentleman because he holds an office, and it does not make his word any better than any other person because he holds an office. We have not legalized classes in this country so that one is exempt in a court from swearing and another is not.

Such is the theory of this board, this honorable board, that is to overturn courts-martial and judgments in this country and Congress is to be bound by what they say without having any judgment of its own. I wish to give fair notice right here and everywhere else that I exercise my own judgment, and I do not allow any illegal board to judge for me about the law and evidence that is before me. I shall judge for myself.

#### WHAT THEY WERE TRYING TO DO.

Let us examine this report a little further. I desire to examine the report now of these three gentlemen and see what they were trying to do. It has been a question in my mind whether they were trying Fitz-John Porter or trying General John Pope. I should like to read from

the report a moment in order to see if you can determine which they had on trial:

It does not appear from the testimony that he—

Speaking of Pope—

conveyed to General Porter in any way the erroneous view of the military situation which was afterward maintained before the court-martial, nor that he suggested to General Porter any expectation that he would make an attack.

What is the meaning of that? The meaning of it is that this board has come to the conclusion that John Pope was mistaken and that his views were erroneous and that he did not communicate these erroneous views to Fitz-John Porter, but gave him an order without that communication. Which is it, I ask, whom they are trying, Pope or Porter? That puts Pope on trial and not Porter. What else do they say?

Lee's army could not reach the field of Manassas before the night of the 30th. Hence he sent the order to Porter, dated 4.30 p. m., to attack Jackson's right flank or rear.

#### NO ORDER TO ATTACK JACKSON'S RIGHT FLANK.

Mark what they say in this report of this board of high officials and lawyers, as they are called. They say the order was to attack Jackson's right flank. There is no such language in the order. Therefore the report of that board was not true. Read the order for yourself. It is that "you will at once attack the right flank or rear of the enemy," not Jackson. The word "Jackson" is not found in any of the orders that were sent to Porter about attacking at that time, and yet this board gives that very idea, and General Grant, in his article, says that the order was to attack Jackson at once. This shows that they had not read the evidence, but they take Porter's statement—and it is in his statement before the board—and say he was ordered to attack Jackson. No such order was ever issued. He was ordered to attack the right flank of the enemy. Longstreet's report shows that his right flank was swinging out in the direction of Porter. It is either true that Longstreet was our friend and not our enemy, or else Porter was ordered to attack him or any other enemy whose flank was in position to be attacked. Now let us go a little further with this report:

Fortunately that order did not reach Porter until about sunset—too late for any attack to be made.

I will discuss that in a subsequent part of my remarks.

#### DID PORTER SAVE (?) THE UNION ARMY.

Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union army.

Porter's faithful, subordinate, and intelligent conduct saved the Union army! How did it save the Union army? I wish this board would explain, when the whole confederate army with the exception of a few brigades were attacking Pope with but 32,000 men and Porter lying there with 13,000 men with arms stacked, the stacking of the arms of a whole corps saved the army from what? It did not save them from getting whipped, for they did get whipped, but it saved them from what? It saved the Union army! Then I suppose if the whole Union army had stacked arms and had not fired a gun they would all have been saved and nobody would have been killed or wounded on that day. That is the reasoning of this intelligent board which we are to obey here in reference to military law.

Now let me go a little further, and I want any gentleman on this side of the Chamber who has doubts about this thing to go with me through this evidence from the beginning to the end. I have no hesi-

tancy in attacking the opinions of this board so far as I am concerned, if they are open to attack. Now let us see what they say:

The reports of the 29th and those of the 30th of August have somehow been strangely confounded with each other.

This board goes upon the theory that the reports of the 29th upon which the court-martial found Fitz-John Porter guilty were the reports of the 30th. How do they arrive at that conclusion? On the 29th of August, Fitz-John Porter was at Dawkins Branch at 12 o'clock, and he in fact staid all night on that road. The reports of the confederates and of the Union army all show his position on the 29th. Where was Porter on the 30th? On the 30th Porter was around on another line on a different road, brought there by an imperative order to report in person to Pope with his command, which he did with part of his command. This order he obeyed to save himself from arrest—the only one he did obey.

How can they take the reports of the 29th that place him at Dawkins Branch to be the report of the 30th, when he was three miles away from where he was on the 29th? The report shows his position. How is that possible? In order for this board to attempt to acquit Fitz-John Porter they have to make the report of General Lee, of General Longstreet, of General Stuart, of General Rosser, and of all the confederate generals read the 30th instead of the 29th when they read the 29th. How did they do it? General Stuart, General Rosser, and General Lee in their reports show the fact that on the 29th Porter was on a certain road. They do not name Porter; but they speak of the corps, and the maps show where he was, with all testimony for and against him. The confederates say that they made dust in the road to alarm him and make him think there was a heavy army going to attack him. That is the report of the 29th. Would any man deny these facts, and his position on that day? Yet the board undertake to say that these reports apply to the 30th, when the second day's battle was fought.

#### THE BOARD PAID LITTLE ATTENTION TO THE EVIDENCE.

Mr. President, any man who will examine this case carefully, and I may say that I have examined it carefully, without prejudice, will come to the conclusion that this board paid little attention whatever to the evidence; they perverted and distorted it in every possible way. Sir, curious things may strike a board as well as other people. I should not have said a word about this board in this debate if it had not been that it has been brought forward again as the judgment of a court that we could not gainsay. I ask any man to read it fully and see if it is not a trial of John Pope instead of a trial of Fitz-John Porter; and it was a trial of McDowell too. Strange to say, McDowell was then of an age, or would have been in a few months, to be retired from the major-generalcy, and Pope was the next ranking officer. Two of the gentlemen on this board were applicants, one for McDowell's place and one for the brigadiership; if one could succeed both could; if one failed both must fail. That should not affect their judgment, however, and perhaps did not; but, strange to say, in everything up to the time that John Pope was appointed and confirmed there has been in this case a war upon Pope to destroy him. Of course that board had no such idea in view, because neither of the two gentlemen who were on the board expecting place would do such a thing. They are honorable gentlemen and we exonerate them from everything of that kind; but it is curious that the attack has always been on Pope. I presume that will stop now

inasmuch as he has been appointed and there will be no further necessity for making war upon him.

PRESIDENT LINCOLN SAID THE CASE WOULD JUSTIFY SENTENCE OF DEATH.

There are two other things that the Senator from New Jersey said yesterday that I will refer to before I proceed to the evidence. He spoke of Mr. Lincoln. In fact it has been attempted to ring in everybody here for the relief of this man. Mr. Lincoln was alluded to yesterday, and it was said that Mr. Lincoln had repented of signing the judgment of the court-martial and was going to give this man a new trial. Mr. Lincoln was too good a lawyer to believe that he could give him a new trial. Mr. Lincoln was a good lawyer, there is no better lawyer in this Senate Chamber than he was. I do not wish to say that the gentleman who made the statement did not tell the truth, but I will say that the son of Mr. Lincoln ought to know about as much about it as that gentleman, and I call the attention of the Senator who made that statement yesterday to what Lincoln's son said, to show how utterly absurd such things are to be brought into a case like this. Here is Robert Lincoln's sworn testimony before this board. I can not read it all. This was after this witness that the Senator speaks of pretended to say that Mr. Lincoln said he thought he would give Porter probably, if he had power, a new trial. Robert T. Lincoln says, speaking of his father:

He gave me some account of the case as it presented itself to him, and either read to me or quoted to me, I don't recollect which, a note written by General Porter, as I recollect, to General McDowell. I never saw the note until this morning, so I give my recollection of it. My recollection is better than anything else. My recollection of the contents of the note is that it was in substance this, that General Porter wrote to General McDowell that he judged by the sound of the firing that our troops were beaten, and that he should therefore withdraw his corps from the field. That is my recollection of the contents of the note as given to me then. My father was exceedingly urgent or strong in his condemnation.

That note will appear in the RECORD just as Robert Lincoln quotes it. Mr. Porter wrote to General McDowell that he was going to withdraw because the firing seemed to be going to the rear. Lincoln quoted that and showed his condemnation of the act.

Mr. HARRISON. On what day was that?

Mr. LOGAN. On the 29th. It is one of the notes written to McDowell. You will find it in the evidence here:

Q. As to the spirit of that note what did he say?

A. I recollect one distinct remark that he made, but at what period in the conversation I do not now recollect. He said that the case would have justified, in his opinion, a sentence of death.

That is what Mr. Lincoln said to his own son a short time before his death, and yet men will stand up in the Senate Chamber and say that Mr. Lincoln contemplated giving this man a new trial. Why do they not read the testimony as it was taken and show the facts?

PRESIDENT GARFIELD SAYS HIS ACTION ON THE COURT-MARTIAL WAS RIGHT.

What further did the Senator from New Jersey say? He said that General Garfield (Lincoln and Garfield both being dead) was willing to give this man another hearing, and he undertook to show it. Now let us see. It is well enough for people always when they make these statements to have the facts. It is not true that General Garfield ever repented for one moment of what he did as a member of that court-martial. As late as February, 1880, long after this board had convened, as they convened in 1878, and when the evidence was printed and when all those



who wished to read it had done so, and after General Garfield had read it, he and I conversed often about this case. At the time it was under discussion before the Senate he was preparing a speech to make in the House, I know, in opposition to Porter's restoration. We met at my rooms and we compared notes and the law and the evidence. To support what I say, here is his letter written to General Cox, of Ohio:

HOUSE OF REPRESENTATIVES,  
Washington, D. C., February 18, 1880.

MY DEAR COX: In our twenty-five years of acquaintance and friendship you have never done a greater service to the truth, or given me so valuable a help, as in your letter of the 11th instant, which I have just received. I have been so stung by the decision of the Schofield board that it is very hard to trust my own mind to speak of it as it appeared to me. I have made a strong effort to separate myself from the case, and to look at it intellectually as though it related only to the pieces on a chess-board, and not to living men or men who had ever lived; and all my best efforts have brought me out precisely to the conclusion of your letter. Still, I had not yet made, in the light of the new testimony, a careful, strategic study of the field and map as you have done. But how curious it is that what you say now, with the new maps before you, is the exact picture of the field, and Porter's conduct upon it, which gloved in strong colors in my mind, and the mind of the court-martial, seventeen years ago.

With kindest regards, I am, as ever, yours,

J. A. GARFIELD.

Mr. CONGER. What is the date of that letter?

Mr. LOGAN. The 18th of February, 1880, after this evidence was all published. With these facts before the country, I ask what unblushing effrontery it takes to try to impose upon the country the idea that these men were in favor of the restoration of this man.

Having disposed of the criticisms and statements of the Senator from New Jersey, I now proceed to another branch of the case.

Mr. McPHERSON. Will the Senator from Illinois bear with me for a moment?

Mr. LOGAN. Certainly.

Mr. McPHERSON. I only wish to state that my colleague [Mr. SEWELL] is unavoidably absent from his seat to-day. He was called away from the city. Therefore, in dealing with the speech made by my colleague yesterday the Senator himself understands that there is to be no reply and, as I myself shall endeavor to give something perhaps that I ought to have given, as has been given before by other Senators from my State, I simply wish the Senator from Illinois to understand that in dealing with the speech of yesterday he must deal with it as though my colleague was absent and not present.

Mr. LOGAN. I am dealing with it just as though he was absent or present; either one is immaterial to me. I am not responsible for his absence. I am only sorry that he is unavoidably absent; but I am dealing with the facts.

Mr. McPHERSON. That is all we ask.

Mr. LOGAN. And not with mere assertions.

#### AN ORDER MUST BE OBEYED.

I desire to come back to the proposition that I suggested in my opening. If the law is as I have stated it, that when an imperative legal order is issued it must be obeyed if it is in the power of the man to obey it, then the only question in this case is, did Porter receive a lawful order, and if so, was it in his power to obey it? Did he obey it? That is all there was before the court-martial, and that is all there is before us.

We all know that it is a rule in law, especially in criminal law, where

a man is tried for a crime, that the intent or motive of the party is one of the ingredients of the offense. This is a crime, a crime punishable under the laws of the United States with death, if a court-martial shall determine to inflict that punishment. It is well enough, then, for us to examine his conduct before we excuse a man for the disobedience of a lawful order; examine into his expressions and acts at the time to form our conclusions as to whether he intended to obey it literally or not.

Every lawyer knows that you can almost detect a witness on the stand when he is not telling the truth although you may not know anything about the case. Every lawyer knows that when you try a man for a crime, for murder, for instance, you gather from the circumstances surrounding the case his motive or intention at the time of committing the act. So in reference to this man Fitz-John Porter, it might be well enough for us, in looking at the legal aspect of this case and the evidence in the case, to examine a little further and see whether he was actuated by good motives, or whether he might be actuated by bad motives.

When you talk with a man his manner, his movements, his conversation, his sneers will impress you as to what may be working in his mind just as the approach of a flower garden may be discovered by the odor that it puts forth before seeing it.

#### A LITTLE OF THE UNWRITTEN HISTORY.

Let us go a little into the unwritten history of this matter. Sir, it was very generally believed that Fitz-John Porter and George B. McClellan and others that might be named formed a little coterie in the Army of the East. One was to be President; what the others were to be, God only knows. McClellan had been relieved from the command of the Army of the Potomac, and Pope had been put in his place. It was unsatisfactory to those men. It was unsatisfactory to Mr. Porter. He said so all through the campaign in every possible way. He sneered at Pope; ridiculed him and his movements.

To show this I wish to call the attention of the Senate to two letters written by him before I proceed to read the order that he received, to show his animus toward General John Pope. He was found guilty for the violation of orders, one issued at 6.30 p. m. August 27th, the one which I now propose to discuss; but before receiving either order the troops under Pope, including Fitz-John Porter's, were marching in the direction of Manassas Junction. A portion of Porter's corps arrived at Warrenton Junction about 10 o'clock on the 27th; the remainder arrived later, in the afternoon. Porter received his order from Pope at about 9.30 at night. Prior to that time he wrote a letter to General Ambrose E. Burnside, of this character:

WARRENTON, 27—p. m.

To General BURNSIDE:

Morell left his medicine, ammunition, and baggage at Kelly's Ford. Can you have it hauled to Fredericksburgh and stored? His wagons were all sent to you for grain and ammunition. I have sent back to you every man of the First and Sixth New York Cavalry, except what has been sent to Gainesville. I will get them to you after a while. Everything here is at sixes and sevens, and I find I am to take care of myself in every respect. Our line of communication has taken care of itself, in compliance with orders. The army has not three days' provision. The enemy captured all *Pope's and other clothing; and from McDowell the same, including liquors.* No guards accompanying the trains, and small ones guard bridges. The wagons are rolling on, and I shall be here to-morrow. Good night!

F. J. PORTER, *Major-General.*

That was before he had received the order from Pope to march to Bristoe Station.

Mr. MORGAN. I ask the Senator if there was any misstatement in that array of facts?

Mr. LOGAN. What do you mean by a misstatement?

Mr. MORGAN. Did General Porter misstate the facts in his letter?

Mr. LOGAN. I was going to say that he certainly did. He had just arrived at Warrenton Junction. Pope had just moved on with Hooker's division up to Bristoe Station, and there, on the evening of the 27th of August, had a fight with Early. Porter was ordered to move that night. He sends this letter to Burnside that day, when he first arrived there, stating that the enemy had captured all of Pope's clothing, and besides that had captured McDowell's liquors. There was no truth in these statements. General McDowell from his infancy up to this time, as I am informed, has not used liquor. Every one who knows him knows him to be strictly a temperate man, and he carried his temperate habits into the Army with him.

This letter was written for the purpose of degrading these men in the estimation of General Burnside, and for no other purpose. Under the Articles of War this man Porter might have been tried for disrespect to his commanding officer and dismissed from the service of the United States.

#### PORTER'S FEELING TOWARD McDOWELL.

So far as Porter's feeling toward McDowell is concerned, it might be well enough to go a little further back into history, and I may state a thing right here which may seem to be a curious fact. At the first battle of Manassas, or Bull Run, General McDowell was in command. He was a Western man. It was understood even as early as that time, by certain Army officers in the East who belonged to the regular Army, that no Western man should command the Eastern army. General McDowell was put in command. Porter did not like it. Others did not like it, whom it is not necessary for me to mention. McDowell lost the battle. How did he lose it? There are several gentlemen on the other side of the Chamber who probably know how that battle was lost. It was lost by General Joseph E. Johnston moving from Winchester and coming on that battle-field and attacking McDowell in the flank. How did that occur? Fitz-John Porter was adjutant-general of General Patterson of Pennsylvania in the Valley of Virginia, who was in front of Joseph E. Johnston with 19,000 men; Joseph E. Johnston had but 9,000 men. General Patterson ordered an attack in the morning on Johnston, and Fitz-John Porter, being his adjutant-general, persuaded him not to do it. Patterson said he would do it. Then he persuaded him to send for two other gentlemen to arrange a plan of attack. They sent for the other two. Fitz-John Porter consulted with them and they persuaded Patterson not to attack, but to move off as though he was going to flank Johnston. He moved twenty miles away from Johnston and Johnston went to Manassas.

Now, you can make what you please out of it. It is history, sworn to. Johnston's troops won the battle of first Bull Run. Patterson's movement allowed him to get there. Porter was the cause of Patterson's movement. Deduce from that what you may, Porter was the cause of that disaster, whether the second one or not, but in both instances the men he so much disliked commanded. I read what I have stated in the Patterson case from the Conduct of the War, sworn to by officers knowing the facts.

Porter had a grievance with McDowell, and here, the very first chance he has, in a letter to General Burnside, he shows his vindictive spirit

toward McDowell and toward Pope. He had not been under Pope's command any length of time, he had not been under McDowell at all, and why does he say this of McDowell? McDowell was not commanding the Army; McDowell was only commanding one of the divisions of the Army at the time.

PORTER NOT SATISFIED.

But this is not all. Porter was not satisfied with his first letter about Pope and McDowell, but at 4 o'clock, August 27, 1862, the same day, mark you, before he had received the order, he wrote another letter, and I will ask the Secretary to read it as I am getting tired of reading, and I ask Senators to pay attention to it, if they will do so.

The Acting Secretary read as follows:

WARRENTON JUNCTION, August 27, 1862—4 p. m.

General BURNSIDE, *Falmouth*:

I send you the last order from General Pope—

MR. LOGAN. That is, the order he had received before—not this 6.30 order that he had received the night before, but another order—directing him to move up the troops.

The Acting Secretary (continuing):

which indicates the future as well as the present. Wagons are rolling along rapidly to the rear as if a mighty power was propelling them. I see no cause for alarm, though I think this order may cause it. McDowell moves on Gainesville, where Sigel now is. The latter got to Buckland Bridge in time to put out the fire and kick the enemy, who is pursuing his route unmolested to the Shenandoah or Loudoun County. The forces are Longstreet's, A. P. Hill's, Jackson's, Whiting's, Ewell's, and Anderson's late Huger's divisions. Longstreet is said by a deserter to be very strong. They have much artillery and long wagon trains.

The raid on the railroad was near Cedar Run, and made by a regiment of infantry, two squadrons of cavalry, and a section of artillery. The place was guarded by nearly three regiments of infantry and some cavalry. They routed the guard, captured a train and many men, destroyed the bridge, and retired leisurely down the road toward Manassas. It can be easily repaired. No troops are coming up, except new troops, that I can hear of. Sturgis is here with two regiments. Four were cut off by the raid. The positions of the troops are given in the order. No enemy in our original front. A letter of General Lee, seized when Stuart's assistant adjutant-general was taken, directs Stuart to leave a squadron only to watch in front of Hanover Junction, &c. Everything has moved up north. I find a vast difference between these troops and ours. But I suppose they were new, as they to-day burnt their clothes, &c., when there was not the least cause.

I hear that they are much disorganized, and needed some good troops to give them heart, and, I think, head. We are working now to get behind Bull Run, and, I presume, will be there in a few days, *if strategy don't use us up*. The strategy is magnificent, and tactics in the inverse proportion. I would like some of my ambulances. I would like, also, to be ordered to return to Fredericksburgh and to push toward Hanover, or, with a large force to strike at Orange Court-House. I wish Sumner was at Washington, and up near the Monocacy with good batteries. I do not doubt the enemy have large amounts of supplies provided for them, and I believe they have a contempt for this Army of Virginia. I wish myself away from it, with all our old Army of the Potomac, and so do our companions.

I was informed to-day by the best authority that, in opposition to General Pope's views, this army was pushed out to save the Army of the Potomac, an army that could take the best care of itself. Pope says he long since wanted to go behind the Occoquan. I am in great need of ambulances, and the officers need medicines, which, for want of transportation, were left behind. I hear many of the sick of my corps are in houses on the road very sick. I think there is no fear of the enemy crossing the Rappahannock. The cavalry are all in the advance of the rebel army. At Kelly's and Barnett's fords much property was left, in consequence of the wagons going down for grain, &c. If you can push up the grain, to-night please do so, direct to this place. There is no grain here to-day, or anywhere, and this army is wretchedly supplied in that line. Pope says he never could get enough. Most of this is private.

F. J. PORTER.

But if you can get me away, please do so. Make what use of this you choose, so it does good.

F. J. P.

CRITICISES AND FAILS TO SUPPORT HIS SUPERIOR OFFICER.

Mr. LOGAN. Now, I want to ask some of the friends of General Porter what they would think of an officer, subordinate to them, who would write letters of the character of those two about his commanding officer? He goes on and describes the position that ought to be occupied, none of them that are occupied. He describes what Pope ought to do or what he ought not to do, but states that strategy is going to ruin; that the army tactics are magnificent, making sport of his commanding officer, showing that he has a contempt for him, and what else? He wants to be out of here, away from it. What is the reason? Is it because he does not wish to fight? His friends say he is a great soldier. That can not be the reason. Then why does he want to be back where he came from, or why does he want to be at Alexandria, or any other place? It is because he is determined not to fight under John Pope and desires to be relieved from being commanded by him, showing not only a disposition to criticise him in every particular, but showing that he had a contempt for the man, and that contempt was such that he could not possibly give him the proper support that he ought to give. If this does not prove that he felt a contempt for Pope, that he had no desire to obey his orders, but his desire was to criticise him and that he wanted to be away from the command of that army and wanted to be relieved from it—if it does not show that, tell me what it does show; and if it does not prove that, then I ask you what was the condition of that man's mind at the time he received the order—the condition of his mind toward Pope? It was a feeling of contempt for him, a desire to see him fail, and a desire in himself to be relieved from his command.

POPE'S ORDER TO PORTER.

I will follow this up with the 6.30 order. It will be well to remember that at this time, on the 27th day of August, 1862, Pope had moved from Warrenton to Bristoe Station. Porter at 12 o'clock was at Warrenton Junction, where these letters were written to General Burnside. Pope and Hooker's division moved up to Bristoe Station, nine miles from Warrenton Junction. On moving up there they were assaulted by Early's division, and had a fight about 4 o'clock in the afternoon. Pope says in his statement that they failed to take the quantity of ammunition with them that they needed perhaps, and they had exhausted it all except five rounds. He expected Jackson's forces, being then near Manassas Junction or Centreville, to make an attack on Hooker's division early the next morning; and almost any general would reasonably expect that, because it is easier to whip an army in detail than any other way. As Pope's divisions were moving one at a time, it was reasonable for him to suppose that Jackson would attack him the next morning. So he sent the following order to Fitz-John Porter. I ask the Secretary to read the order.

The Acting Secretary read as follows:

HEADQUARTERS ARMY OF VIRGINIA,  
*Bristoe Station, August 27, 1862—6.30 p. m.*

Major-General F. J. PORTER, *Warrenton Junction*:

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive

him from Manassas, and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send him word to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks also that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of General Pope.

GEORGE D. RUGGLES,

*Colonel and Chief of Staff.*

P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately upon his doing so. If Banks is not at the Junction, instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and a section of artillery with it.

By command of General Pope.

GEORGE D. RUGGLES,

*Colonel and Chief of Staff.*

Mr. CONGER. At what hour was that order issued?

Mr. LOGAN. 6.30 p. m. It was received at half past 9 o'clock.

Mr. MILLER, of California. On the 27th of August?

Mr. LOGAN. Yes, sir.

Mr. MORGAN. What is the distance from Warrenton to Bristoe Station?

Mr. LOGAN. Nine miles.

#### PENALTY FOR DISOBEYING A LAWFUL ORDER.

I want to call the attention of the Senate to another fact. The law which I have read requires orders to be strictly obeyed. The law says that a lawful order disobeyed is punishable with death or any other punishment that may be inflicted by judgment of a court-martial. The question for the Senate to decide is, first, was that a lawful order from a superior officer? If so, it comes within the purview and meaning of the twenty-first article of war, or what was then the ninth article of war, for the language of that article is that—

Any officer or soldier who, \* \* \* being in the execution of his office, disobeys any lawful command of his superior officer shall suffer death, or such other punishment as a court-martial may direct.

Then the only questions before the court-martial were, first, was this a lawful order; second, was it issued by a superior officer; third, did Porter disobey it? Let us see whether he did or not. What are the facts? I will give them, supported by testimony which I will publish with my speech, by permission of the Senate, without taking the time to read it now.

The facts are these: Drake De Kay, one of the staff officers of General Pope, took this order to Porter. He delivered it at half after 9 o'clock on the night of the 27th of August, 1862. Porter was in his tent. Fitz-John Porter's command, the Fifth Corps, was all there. A part of his corps arrived there at 10 o'clock that morning; one division came in late in the afternoon. It was an order requiring him to move at 1 o'clock that night, and to be at Bristoe Station at daylight. He did not move at 1 o'clock, he did not attempt to move at 1 o'clock, he did not even direct his command to be ready to move at 1 o'clock. If he had attempted to move and it had been found impossible to do so, there would have been some excuse; but inasmuch as he did not attempt to obey the order what excuse can be given? None, sir; none.

Mr. HOAR. At what time was it daylight?

Mr. LOGAN. About 4 o'clock in the morning, I think.

Mr. HAWLEY. What month was it?

Mr. LOGAN. The 27th of August, 1862. He was to move nine miles. Let us examine the situation. The roads were dry. There were three roads. There was a railroad running from Warrenton Junction to Bristoe Station. It crossed over Cedar Run, over which there was a bridge. There was a plain wagon-road on either side of it the greater part of the way, so the evidence shows, that he could march on.

Mr. CONGER. What is the character of the country between?

NO OBSTRUCTIONS—GOOD MARCHING.

Mr. LOGAN. It is a little broken, but not enough to interfere with any movement whatever; but the evidence shows it to be an open country, where marching might be done irrespective of roads, and the evidence shows that the railroad had been repaired so that troops did march over it that day.

Now, what did he do and what is the excuse? Let us examine, and do it fairly. His excuse is, as he says himself, as General Grant says for him recently, as his advocate on the Senate floor said for him yesterday, that it was an impossible march to make. Why was it impossible? He did not even try to make it. He did not move at 1 o'clock; he did not move at 2 o'clock; he did not move at 3 o'clock. The evidence shows that Fitz-John Porter was in his own tent until the sun was shining in the morning, but no orders had been given to move except that they were ordered to be ready to move at 3 o'clock. He arrived at Bristoe Station at half after 10 o'clock next day, when he was to be there at daylight and was to move at 1 o'clock. Yet the law says he must obey a lawful order. Did he obey it? Did he attempt to obey it? I ask any friend of his on this floor to tell me did he even attempt to obey it? I ask the Senator from New Jersey [Mr. McPHERSON] if he offered to obey it in any military sense? I should like to see the evidence if he did. He called his three division commanders to his tent. He said, "Here is an order; something to sleep on." General Sykes said his troops were tired; some other general said his troops were tired. "Very well," he said, "be ready to move at 3 o'clock." The order he gave was to be ready to move at 3 o'clock in the morning.

What else did he do? It is said that the road was blocked up with wagons so that he could not possibly have moved in the night; that wagons were in the road. In which road? The wagons were not on the railroad; the wagons were not perhaps on both sides of the railroad. Where were the wagons? He says they were in the road. Mark you, the wagons that he says were in the road were the wagons of Hooker's division. Hooker's division had moved from Warrenton Junction up to Bristoe and this was his train that was following his troops, and the last of the wagons were four miles away from Warrenton Junction at nine and a half o'clock when that order was received. He could have marched the four miles certainly, as the last of the wagons were four miles away, as shown by the evidence. The wagons were on the road, but what did General Pope do? When General Pope sent that order General Myers, his chief quartermaster, testifies General Pope rode up to him with his staff in person and told him he could park the trains. Myers swears that he did park the trains and that the trains were parked, and not only parked but that they did not move out into the road until the next morning at

daylight. At daylight the next morning these trains moved out on the road, and moved out before Porter came along. When Porter came along the next day then of course the wagons were in the road, but he marched by them. These are the facts. They are the facts as sworn to by the witnesses.

#### NOTHING IN PORTER'S WAY.

Colonel Cleary was sent in charge to run the railroad trains out of the way—the cars with the sick and the wounded and the supplies—and he says that by 2 o'clock he had them all out of the way, so that the railroad was clear. There was nothing in the way; and yet Senators stand up here and insist that this man obeyed that order as near as he could. Let us see how it is that he could not obey it, that he could not move nine miles in the night. The Senator from Kentucky [Mr. WILLIAMS] knows that that is not so; every man here who has been in the Army knows that it is not true. I never saw a road with wagons so thick that I could not move an army over it. Neither did he. There is always a way to get wagons out of the road.

But there is something that is really magnificent in this part of the testimony in Porter's own statement. He says that—

When I got that order I sent a couple of officers to General Pope to ask him to move the wagons out of the road for me so that I could march.

Then he had 11,000 infantry, and he wanted somebody to move the wagons so that his men could march without any trouble whatever. I wonder he had not sent for carpets to be laid. Inasmuch as the Senator from New Jersey [Mr. SEWELL] is not here, I will say to his colleague that you may examine history from the days of Cyrus and Alexander down to the present time, and this is the only instance in which a subordinate officer ever sent to a superior officer to clear the road for him so that he could march; and there never was a commanding officer yet, unless it was Pope, who would not have relieved such an officer from his command that moment. I asked a general the other day, very high in connection with our Army—I will not mention his name—"General, you and I served together a good deal, and you commanded me a good while; what do you think would have been done to me if I had sent word to some man who commanded me, not mentioning him, to move the wagons out of the road so that I could move my corps?" "Well," said he, "I think you would have been put out to a dry nurse." That very fact, that very act in itself shows that that man did not intend to obey the order. The very fact that he would send to his superior officer to move the wagons out of the way so that he could march shows that he did not intend to obey any order if he could get any excuse for it.

Mr. HAWLEY. How could the officer bearing the order have got there if the road was blocked up?

Mr. LOGAN. The Senator from New Jersey may possibly explain when he gets on the floor how he did get there.

#### A WILLFUL DISOBEDIENCE.

Mr. President, the disobedience of this order was a willful disobedience. It was not because Porter did not have the power to obey it; it was not because of obstruction that he could not obey it; but it was because he did not intend to obey it. An excuse is made for him by one writer on this subject, who says there was no necessity for Porter to be there next morning because Pope said in his order he wanted to drive these people out of the country, and therefore it was not necessary



for him to be there. That is not what Mr. Porter's business was. He had no right to inquire what General Pope wanted him there for the next morning. The only question for him was, "How can I get there by the time I am desired to be there?" It is no difference whether he wanted him to fight or to drive people out or to do anything else; the question for him to decide in his own mind was, "How can I get there?" The thing for Porter to have done was to go and get ready and to tell his generals, "We have got to march at 1 o'clock." But Porter says his command did march at 3 o'clock. That was not obeying the order. That is, he said they were in motion at 3 o'clock. He uses the phrase "in motion." It is true that part of them were in motion, and I will show you some of them that were.

#### NO ORDERS ISSUED BY PORTER TO MOVE.

Mr. President, an officer under General Porter, one of the adjutant-generals who would have to give the order, has been sworn and his evidence is here on file, which I will place on record. His evidence shows that no orders were issued; that the officers were merely told to get ready to move at 3 o'clock.

#### MOVEMENT OF COLONEL BERDAN'S SHARPshootERS.

I received a letter not long ago—I do not know that it is evidence but I will read it anyhow—from a man by the name of Berdan. I expect you have all heard of Berdan's Sharpshooters. Mr. Berdan commanded the sharpshooters of Fitz-John Porter's corps. He is now in Turkey. I believe he belongs to the Turkish army, but I am not sure. Hearing about this case and getting some idea of it from what he had seen in the papers, he wrote me a letter, and I will have it read. He said he thought it was due that he should state what he knows about obeying this order of 6:30 p. m. of August 27. If the Secretary will read it I shall be much obliged to him.

The Acting Secretary read as follows:

CONSTANTINOPLE, June 30, 1882.

SIR: I see by the New York papers that General Porter has petitioned Congress to reinstate him in the Army. The time has therefore come when, in my opinion, every officer who knows anything for or against General Porter's military conduct at the time in question should state what he knows.

I was attached to the Fifth Corps, commanding the sharpshooters, when this corps, under command of General Porter, was on the march to join General Pope. We camped on the night in question in a wood, my command being the greatest distance from the road. Soon after we went into camp an order came from General Pope to march at 1 o'clock in the morning.

We had but one well for the entire corps, and fearing this might become muddy by carelessness, I went to General Porter's headquarters and asked the general if it would not be advisable to place a guard at the well; also to have a detail from each regiment to draw the water during the night for coffee and canteens, as there was not much water in the well. The general, who generally gave prompt replies, made no answer. General Butterfield smiled and said, "the colonel is green." I asked him why he made such a remark. He looked confused, and gave no reply. General Porter finally said, "You can do as you like." I then ordered some men to bring water during the night for my command, the canteens to be filled, and coffee made at 2:30. I then directed the officers to turn in, telling them that I would sit up and see that the orders were carried out.

I took these extra precautions for the reason that the marching order was peremptory, that it was known that General Pope had had a fight and was depending on us to re-enforce him. At 3 o'clock precisely I moved my command through the woods over the Fifth Corps to the road. Not a light to be seen or a man moving in the entire corps. I was then satisfied that the strange manner of General Porter and General Butterfield the evening before was caused by their having resolved not to march at the hour named by General Pope, and that they preferred to let me keep my men up half the night rather than trust me with their plan of defeating General Pope. I halted at the road near General Porter's and General Butterfield's headquarters. Some time after sunrise these officers

came out of their tents. General Butterfield exclaimed, "What are you doing here? You have been marching over my men." I replied there was no alternative. We were ordered to march at 3 o'clock; consequently I had put myself at the head of the corps in the road and was awaiting orders.

It was claimed at the trial that the night was too dark to march. As I marched my men through the wood, hitting the same point in the road where we had entered the wood, it is sure we could have followed the road. Hence we could have marched at the hour named. Long after sunrise we got in motion. It was claimed that there were very many obstructions on the road which impeded the march. I did not see them. The orders to halt were frequent and the halts were longer than necessary.

\* \* \* \* \*

H. BERDAN.

To the president of the committee on General Fitz-John Porter.

#### EVIDENCE OF OFFICERS AND MEN.

Mr. LOGAN. I have the evidence of quite a number of officers and men under Fitz-John Porter, the evidence of General Butterfield, Frederick Myers, General Chauncey McKeever, a man who is well known here, and many others, substantiating the points and statements which I have made. I also have the evidence of quite a number of other persons showing that Porter and others of his generals did not leave their tents even at the hour mentioned and for hours afterward. Some of them were in motion at 3 o'clock, it is said. This man Berdan moved at 3 o'clock, but he stopped on the road. Part of the troops stopped on the road till 9 o'clock that day before they moved. The evidence of William C. Murray, of Captain W. M. Campbell, of Colonel Rufus R. Dawes, of General William Birney, of General Thomas F. McCoy, of Major J. H. Duvall, and a number of others that I will insert with the permission of the Senate, shows that I have stated the facts exactly as they are and as they were before the action of this board which wants this country to relieve this man from the judgment of a court-martial, and there is not a witness, and he cannot produce one anywhere, before the court-martial or the board, who testifies that he even offered to move according to this order which was issued to him by General Pope at 6.30 p. m. on the 27th of August, 1862.

#### THE JUDGMENT A RIGHTEOUS ONE.

Mr. President, the Senator who votes that Fitz-John Porter was not convicted properly and legally votes that he obeyed that order or that it was impossible to obey it; any one who votes to relieve this man from the sentence of that court-martial votes in the face of all the testimony that was given even by his own friends, and votes that the court-martial found him guilty when he ought to have been found not guilty, when in fact the evidence shows that he never attempted to obey the order. The law says that he must obey it, that he subjects himself to the death penalty if he does not obey; and yet he did not obey it, he did not try to obey it. He violated the law and violated the order; and yet, forsooth, you say he is not guilty! Well, if gentlemen can do that it is for them to say and not for me; but that is the fact, and there is the law. Under the law and the evidence the judgment of that court-martial was as righteous a judgment as ever was given. It was just, it was right, because it was in accordance with the law and in accordance with the evidence.

If commanders of divisions and corps are to be permitted to be judges for themselves as to whether they will obey an order or not, then I would not give a straw for all the armies of the United States. If a corps commander may say an order need not be obeyed, why can not his brigade commander or division commander say the same, and why can not their colonels and their captains say the same? What kind of

an army would you have if you gentlemen were all division commanders or corps commanders and were off some miles, the enemy was approaching, and the commanding general should send orders to each one of you to concentrate at daylight to-morrow morning, for the reason that he expected either to make an attack or to be attacked, and each man should say, "Well, it is too dark; I will not go until to-morrow morning," and no one of you started? If one of you may disobey an order, all may. Suppose no one starts and the general is left there with a small force to fight the next morning, nobody to come to his rescue, nobody to obey his orders, what kind of an army would you have?

#### NECESSITY OF NIGHT MARCHES.

But it is said that he was not sufficiently advised by Pope, and did not see the necessity of a night march. This is not true; he was notified both on the 26th of August and on the 27th, prior to the 6:30 order, so that he was to be ready to move and act quickly. To show this I will merely print in my speech the two orders mentioned, which are as follows. They tell their own story:

HEADQUARTERS ARMY OF VIRGINIA,  
Warrenton Junction, August 26, 1862—7 o'clock p. m.

GENERAL: Please move forward with Sykes's division to-morrow morning through Fayetteville to a point two and a half miles of the town of Warrenton, and take position where you can easily move to the front, with your right resting on the railroad. Call up Morell to join you as speedily as possible, leaving only small cavalry forces to watch the fords. If there are any troops below, coming up, they should come up rapidly, leaving only small rear guard at Rappahannock Station. You will find General Banks at Fayetteville. I append below the position of our forces, as also those of the enemy. I do not see how a general engagement can be postponed more than a day or two.

McDowell, with his own corps, Sigel's, and three brigades of Reynolds's men, being about 31,000, are at and immediately in front of Warrenton; Reno joins him on his right and rear, with 8,000 men, at an early hour to-morrow; Cox, with 7,000 men, will move forward to join him in the afternoon of to-morrow; Banks, with 6,000 men, is at Fayetteville; Sturgis, about 8,000 strong, will move forward by day after to-morrow; Franklin, I hope, with his corps, will, by day after to-morrow night, occupy the point where the Manassas Gap Railroad intersects the turnpike from Warrenton to Washington city; Heintzeman's corps will be held in reserve here at Warrenton Junction until it is ascertained that the enemy has begun to cross Hedgeman's River. You will understand how necessary it is for our troops to be in position as soon as possible. The enemy's line extends from a point a little east of Warrenton Sulphur Springs around to a point a few miles north of the turnpike from Sperryville to Warrenton, with his front presented to the east, and his trains thrown around well behind him in the direction of Little Washington and Sperryville. Make your men cook three days' rations and keep at least two days' cooked rations constantly on hand. Hurry up Morell as rapidly as possible, as also the troops coming up in his rear. The enemy has a strong column still further to his left toward Manassas Gap Railroad, in the direction of Salem.

JOHN POPE,  
Major-General Commanding.

Major-General FITZ-JOHN PORTER,  
Commanding Fifth Army Corps.

This order of Pope on the 26th shows that Porter was thus early notified of what was expected.

HEADQUARTERS ARMY OF VIRGINIA,  
Warrenton Junction, August 27, 1862—4 o'clock a. m.

GENERAL: Your note of 11 p. m. yesterday is received. Major-General Pope directs me to say that under the circumstances stated by you in relation to your command he desires you to march *direct to this place* as rapidly as possible. The troops behind you at Barnett's Ford will be directed by you to march at once direct to this place or Weaverville, without going to Rappahannock Station. Forge is hard to get, and you must graze your animals as far as you can do so. The enemy's cavalry has intercepted *our railway communication near Manassas*, and he seems to be advancing with a heavy force along the Manassas Gap Railroad. We will probably move to attack him to-morrow in the neighborhood of Gainesville, which may bring our line further back toward Washington

Of this I will endeavor to notify you in time. You should get here as early in the day to-morrow as possible, in order to render assistance should it be needed.

I am, general, very respectfully, your obedient servant,

GEO. D. RUGGLES,  
*Colonel and Chief of Staff.*

Major-General F. J. PORTER.

*Commanding Fifth Army Corps.*

#### MARCH TO THE SOUND OF THE ENEMY'S GUNS.

Oh, but some gentlemen say one of the great chiefs of the world has said he could not move because the road was obstructed; therefore we must give a judgment that he could not. I should like to put some of the sworn statements of that chief against his published statements which are not sworn to.

Take the history of the world from the time we have had wars, and you can not find such an excuse as is given here by Fitz-John Porter for not moving, that there were wagons in the road. I could give instance after instance where marches were made after night, where marches were made in rain-storms, where battles were fought after night, and I could recite numbers of instances where armies moved and corps moved without orders to the sound of battle, if it were necessary, but I will not give the instance for reasons that will be well understood.

One of the greatest battles fought during the whole campaign called the Atlanta campaign was fought without one single order being given by the commanding general; but they were not Fitz-John Porters who commanded the corps there. The general in his report of that battle said that all of his orders were anticipated. That battle was fought from early dawn until 9 o'clock at night without orders from the general commanding the army, and it was successfully fought. They took the maxim of Napoleon, "March to the sound of the enemy's guns," and that was why Napoleon always had his army on the field first, because that was a standing order. His corps commanders marched to the sound of the enemy's guns, and hence the army was always concentrated before the army of the enemy.

Wherever successful battles have been fought in history they have been fought by officers knowing their duties and performing them without waiting for orders. Why, sir, I could cite instances—I did in my remarks before and I do not wish to repeat now what I said then—instance after instance where marches were made at the dead hour of the night, when the clouds were lowering and no moon and no stars giving light. Here is a man who sits before me [MR. MILLER, of California] who marched one night ten miles, when it was raining, with 6,000 men to oppose 60,000, and to hold them there until the General of the Army could take his position and get ready to fight. And yet this man Porter would not move for fear he would be drowned in a mud-hole.

#### HOW GENERAL GRANT MOVED HIS TROOPS.

Now let us see whether some who now advocate Porter would during the war allow such excuses for disobeying orders. Mr. President, let me read a dispatch to the President of the United States:

DARNEY'S MILLS, April 1, 1865—10.30 a. m.

LINCOLN, A., *President, City Point:*

In my dispatch this morning I made a mistake in saying Ord lost nothing in the attack made on him this a. m. His casualties were about thirty killed and wounded. He reported no casualties in Turner's division, which led me into the error. The quicksands of this section exceed anything I have ever seen. Roads have to be corduroyed in front of teams and artillery as they advance. We were fifty-six hours moving six hundred teams five miles, with 1,200 men to help them. Through the woods, where it is perfectly dry for infantry, horses will go through

so deep as to scarcely be able to extricate themselves. I have nothing special to report at this time.

Who do you suppose made that march of fifty-six hours and only got five miles through quicksands by corduroying roads and had 1,200 men to help? That dispatch is signed "U. S. Grant, Lieutenant-General." A march of fifty-six hours took two days and more. They were two days and two nights marching through quicksands and lifting wagons out, and yet they did it; and what was the matter with friend Porter that he could not do it unless Pope must come out himself and push the wagons out of the way for him?

POPE TOLD THAT PORTER WOULD FAIL HIM.

Now I will go a little further and see what military men were a little earlier than the present time. If you remember the testimony in the Fitz-John Porter case, a certain officer went to General Pope and told him that Porter would fail him. Here is some sworn testimony before another board, which was just as illegal a board as the first or Schofield board, in which a certain witness says that he told Sheridan "that General Warren would fail him, and therefore he authorized General Sheridan to relieve General Warren." He was asked why he said that. "Well, sir," his "general knowledge of the man." That was General Grant.

WHAT GENERAL GRANT SAYS ABOUT OBEYING ORDERS.

Now let us go a little further. In reference to obeying orders I want to call your attention to what he, General Grant, thinks about obeying orders. He sent a dispatch to General Meade of this kind:

Division to be sent to Sheridan may start at once. You will be held free to act within the Boynton plank road. General Humphreys will hold to the road and the return.

Mark the language of that order. "You will be held free to act within the Boynton plank road." He gave there exactly the circumscribed bounds in which the officer should act, giving him leeway to act within certain bounds; but he must move and he must act within those bounds. Now, follow that up and see what he says again. In answer to a question he says:

It would be impossible for me to answer now from recollection just what I did. I know through the whole of the day, from the time General Sheridan was sent off to my left flank until Five Forks was carried, I was watching their every movement and everything that was done, doing all I could to aid. I was sending orders here and there, to one army and another, wherever I judged there was an opportunity of putting it in, and I wanted my orders promptly obeyed, and generally had them. But where officers undertook—

And now mark the language:

But where officers undertook to think for themselves, and considered that the officer giving them orders had not fully considered what everybody else was to do, it generally led to failure or delay.

That was the view of a great officer under oath. He wanted his orders obeyed, and generally had it done, and where an inferior undertook to judge for himself in place of the commanding officer it usually resulted in a failure, just as it did at Bull Run, and just as it always will when subordinate officers think for themselves in reference to obedience to orders.

Mr. CONGER. Whose testimony is that?

Mr. LOGAN. General Grant made the statement which I have just read. We always use the best evidence, I believe, and inasmuch as I do not claim that my statements and judgment amount to a great deal, at least no more than anybody else's who has a right to judge; as I have taken the laboring oar, at least, voluntarily in this matter, I have had

thrown at me in a great many instances arguments because they came from great men, men who ought to be judges. That is true, but I like men to judge alike at all times under the same circumstances. Inasmuch as an excuse has been attempted for Porter by a man high as a military authority, I propose to read that gentleman against himself from Badeau's History of the War, which was written under the eye of General Grant and examined by him with the records furnished for Badeau to write it from, and supervised by the general. I will read a few paragraphs on the subject of marches and see what some men can do, and what is required when they are in command. Speaking of a battle toward the close of the war, Badeau says:

BADEAU ON THE SUBJECT OF MARCHES.

It was late in the evening before Grant reached Burksville, where he found that Ord had moved to Rice's station, and intrenched in front of Lee. The general-in-chief at once reported the situation to the Government.

And here is his dispatch:

The troops are pushing now, though it is after night, and they have had no rest for more than one week.

That was the way General Grant moved armies. "The troops are pushing now, though it is after night, and they have had no rest for more than one week."

Now let me show what General Grant understands by an imperative order, by an order that means to be obeyed. Here is his language on page 5-6 of the third volume of the Military History of U. S. Grant, by Badeau:

I am moving the cavalry column on Appomattox depot. There are eight trains of cars at that point to supply Lee's army. Everything is being run out of Lynchburgh toward Danville. Our troops are reported at Liberty. This must be Stoneman.

Speaking of the troops at Liberty, he supposed them to be Stoneman's command.

When Crook received his orders to rejoin Sheridan he was very unwilling to obey, and went in person to Grant to complain.

Crook did not disobey Sheridan's order, but he went to Grant. He was ordered by Grant to report to Sheridan, but was unwilling to obey, and he went to Grant—for what? To be excused from obeying the order. What did he say?

His troops—

Crook said—

were tired and worn; they had marched all day, forded the river, and fought a battle, in which they had been repelled. Not a thousand men were fit to move.

Now what did Grant say?

But Grant was peremptory; the emergency was immediate; Sheridan had asked, and Crook was obliged to conform. Accordingly, the cavalry crossed the stream again in the night and set out to rejoin Sheridan.

That was General Grant when he was in command in Virginia, when Crook's troops had marched all day and had forded a river, fighting a battle and had been whipped, and did not have a thousand men fit to march; and yet General Grant said the order was peremptory and they had to go. That is what he meant by obeying orders: what he meant when he gave orders, that they were to be obeyed, and must be obeyed.

Now let me read again about marches day and night. On page 596 of the same volume you will find this:

Ord marched his men from daylight on the 8th until daylight on the 9th of April, halting only three hours on the road—a terrible march; but the men understood that they were conquering their enemy as effectually by marching as

by fighting, and did not murmur. Griffin did as well as Ord. His troops marched twenty-nine miles and bivouacked at 2 a. m. on the 9th; then moved again at 4, and reached Sheridan's position at 6, just as Lee was approaching in heavy force to batter his way through the cavalry.

Again—

Crook was soon hotly engaged. He ran his guns to the front and held his ground in spite of a heavy onset of the enemy, for the rebels must make their way through now or all was lost. Lee's force was infantry and greatly outnumbered Sheridan, and the cavalry leader soon sent back, urging Ord to hasten forward; at the same time he directed Crook to fall back slowly and sacrifice no more men in trying to check this heavy force. Gibbon, Griffin, and a division of colored troops were enconced in the woods waiting for orders to advance. It looked as if Sheridan was deserting the field and meant to allow the rebel army to pass. Lee's men gave once more the battle yell and quickened their pace and doubled their fire, when suddenly, the cavalry having all retired, the infantry line emerged from the woods, and the Rebellion was over.

Now, let us go further, to show some of these marches. Speaking something of Meade's marches this author says:

All night the Army of the Potomac marched, though it had been allowed no rest for five full days and nearly as many nights; marched without food; as its commander said, "As ready to die from fatigue and starvation as from the bullets of the enemy."

For five days and nights, almost without food, under the orders of General Grant, his troops marched in Virginia; and yet this man Porter must be excused for not marching only nine miles in one night. When we come to examine the record during the war and take men's opinions then and their acts, they are very different when surrounded by strange and peculiar circumstances that call on them to change.

Let us go a little further. On page 622 of Badeau's Military History of U. S. Grant, I find:

The marvelous marching, not only of Sheridan but of the men of the Fifth and Twenty-fourth Corps, was doing as much as a battle to bring the rebellion to a close. Twenty-eight, thirty-two, thirty-five miles a day in succession these infantry soldiers marched—all day and all night. From daylight till daylight again, after more than a week of labor and fatigues almost unexampled, they pushed on to intercept their ancient adversary, while the remainder of the Army of the Potomac was at his heels.

One of these corps was the Fifth, but at this time not under Porter. Will any man who reads the record of our late war, the kind of orders that were issued by generals on both sides, and the manner of marching that was done, night and day, in sunlight and in storm, tell me that any excuse can be given for a man refusing to march his corps when he is ordered to march unless there is something in the way so that it makes it impossible for him to do it? Will any man tell me that there is any excuse for his not attempting to obey an order?

#### VARIOUS BRANCHES OF THE CASE.

In reference to this branch of the subject—for I propose to take up the various branches of the case separately—the order of 6.30 p. m. of the 27th of August, 1862, as I have repeated over and over, was to march at night. It has been treated lightly by gentlemen who undertake to discuss this proposition. They usually pass over this 6.30 order of August 27 very lightly and go over to the 4.30 order of the 29th, to insist that he would have been destroyed if he had attacked, so as to avoid the fact that is patent in regard to this order of 6.30 of August 27 of his disobedience of the order *in toto*.

Some Senators would be very glad to vote to restore this man if they thought he was persecuted. I would be willing to do it myself; but without any claim to any military genius or any service of any value to

the country, for I make no claim for myself. I do know enough about military matters to say that the very precedent you would set in this instance of allowing this man to violate this order because there was no battle the next day, being the 28th, would set a precedent in this land that would destroy all armies and make all armies mobs and uncontrollable masses of men.

Mr. HOAR. If it will not be inconvenient to the Senator from Illinois, I should like to avail myself of the permission which he gave at the beginning of his speech to call his attention to one point.

Mr. LOGAN. Certainly.

Mr. HOAR. I suppose my mind is as absolutely free from any opinion in regard to this case, though it has been before the Senate so long, as that of any juryman who ever sat down to try a case, and I am exceedingly anxious to get at correct conclusions.

The Senator from Illinois in the beginning of his remarks said that he would state the facts in regard to this offense number one with which he has been dealing to-day, the evidence being open to the Senate; and I see that General Grant in his article which appears in the RECORD of this morning says the same thing on the other side; neither of these great military authorities stating to any extent the evidence on which he relies in support of the fact as he conceives it to be. General Grant's narrative of the facts—I do not speak now of conclusions—seems to me to differ from that which the Senator from Illinois has stated in two or three very important particulars.

In the first place, General Grant states General Porter's decision to have been that he could accomplish under the circumstances the substance of the order, which was to have his men there at daylight, by starting at 3 o'clock instead of at 4, and could have them there in better condition for service; and he undertakes to give as a reason for that, if I understand him correctly, that there was but one road. It is very clear that when General Grant gave this opinion he was under the impression that there was but one road, which he says was narrow, passing through a country full of cuts and streams, the territory bordering that road on either side being of such a character as to be marshy and wooded and so on, that it was impossible to make any use of anything but the narrow road itself for the march, and that in that narrow road were 2,000 army wagons, many of them mired, making it, in the opinion of General Grant, impossible to march the troops along that road; and he cites in support of that opinion the fact that the order to Porter to start at 4 and reach his destination at 4—three hours apparently he had given him—which was brought by an aid-de-camp on horseback, was considerably more than three hours in reaching him, that is from 6½ to 10, as General Grant says it took the aid-de-camp to get to Porter on horseback.

The Senator says that the road was dusty, which seems to be rather a negative of the mired condition of the road. He says also that there were three roads, one of them being a railroad and the other two common roads, instead of the one which General Grant points out; and thirdly, if I understand the Senator, he says that during the night these wagons were parked on each side, and there was a time when the road was entirely open so far as the wagons were concerned.

Now, I submit to the Senator whether it would not be wise at some time during his remarks to call attention as briefly as he shall think proper to the evidence on this point, because here is a dispute between him and General Grant as to almost every fundamental fact.



Mr. LOGAN. If the Senator had listened to me as he said he was going to do—

Mr. HOAR. I believe I have done so with the exception of about five minutes when I was called out.

Mr. LOGAN. Then inasmuch as the Senator has called up General Grant's statement and seems to be inclined to think that General Grant must know, I will say that General Grant does not give one iota of testimony, and the Senator knows it.

Mr. HOAR. That is true.

#### EVIDENCE CITED.

Mr. LOGAN. Not a bit. If the Senator had listened to me he would have found that I cited evidence and gave the names of witnesses, and said I would publish them in my speech, who stated the facts exactly as I gave them. I gave the names of eight or ten, and if the Senator wants me I can read from testimony right now to him and show what the facts are. I will read an extract from General Myers's testimony. General Myers was the quartermaster.

Question. Will you state to the court in what capacity you served in the Army of Virginia, under Major-General Pope, during its late campaign in July and August last?

Answer. I was chief quartermaster to General McDowell.

Q. Where were you on the night of the 27th of August last?

A. I was with the trains of the army, about a mile and a half from where General Hooker had his battle on the 27th.

It was in the afternoon of the 27th that he had the battle near Bristoe Station where troops were to be marched that night.

Q. Did you or not receive any instructions from General Pope on that day relating to your train along the road from Warrenton Junction to Bristoe Station? If so, state what they were.

A. I was ordered to move the trains in rear of General Hooker.

Just as I stated it, following General Hooker's command from Warrenton Junction.

Just before dark General Pope with his staff rode up—

That is exactly the language as I gave it a while ago.

Just before dark General Pope with his staff rode up, and I reported to him that General Hooker was in action ahead of me, and asked him if I should go into park with my trains. He replied that I could do so, or go on, as I thought best.

Q. What did you do; did you go into park, or did you continue on?

A. I went into park, and gave directions to all the quartermasters to go into park.

Q. At what hour on the following morning were those trains upon that road put in motion?

Mark you, he went into park with these trains that evening.

Q. At what hour on the following morning were those trains upon that road put in motion?

A. The head of the train commenced moving just at daylight.

That is, the trains of wagons moved out of park just at daylight—that is, moved into the road—so that between the time Porter received that order and daylight there were no trains on that road that would have prevented his moving his troops. That is the evidence, and it is supported by half a dozen other witnesses, Porter's own officers. I gave these facts and said I would support everything I uttered by the testimony sworn to by these officers. The trouble with General Grant's statement is that it does not state the facts as sworn to by witnesses. That is the difficulty.

Mr. HOAR. I was out during a few minutes while the Senator was giving the evidence on that point, probably.

Mr. LOGAN. I will read further, to satisfy the Senator, from General Myers's testimony:

Q. What was the condition of the road between Warrenton Junction and Bristoe Station at that time, so far as regards the passage of wagons, artillery, &c.?

A. It was in excellent condition at that time.

Q. Do you remember the character of that night—the night of the 27th of August? If so, will you please state it?

A. I was up nearly all that night. It was quite dark; there was no moon.

Q. Did the night change in its character toward the morning, or was it the same throughout?

A. It was a dark night. I could not state about it toward morning particularly.

Q. In view of the condition of the road as you have described it, and also the character of the night, was or was not the movement of troops along that road practicable that night?

A. I do not know of anything to hinder troops moving along the railroad there. There was a road running each side of the railroad. I should think it would have been easy for troops to move along there, although I may be mistaken in that.

If the quartermaster in charge of trains, who was up all night and parked the trains, knew of nothing on the road to prevent the moving of troops that night, where does General Grant get his statement that there were 2,000 wagons on the road, part of them mired? I should like to know. There is no evidence of that anywhere. There is the statement of men who were not on the road, like Porter, who understood the road was full of wagons, but no person who passed along the road makes any such statement. Colonel Cleary moved the trains on the railroad. You will find in the same evidence, as I have stated it, that there was a road on either side of the railroad, and that railroad was clear after 2 o'clock that morning of trains, with a wagon-road that the troops might march on, and some witnesses say on both sides of the railroad. That is the evidence.

Mr. FRYE. How about the bridges?

Mr. LOGAN. There is but one bridge mentioned. If there are any more I do not know anything about it. They only mention one bridge, in speaking of running the railroad trains across a bridge, and Pope swears he had the railroad repaired that day.

Mr. HOAR. Will the Senator cite the evidence about there being a railroad and two other roads?

Mr. LOGAN. I have just stated it. General Myers and General Pope both state it.

Mr. CONGER. And about the roads being dusty or dry?

#### A GOOD DRY ROAD FOR PORTER.

Mr. LOGAN. I said that the road was dry, that there was no rain, and I get that from the fact that General Pope himself, and others who passed over the road that day, say the road was a good dry road, and that is in General Pope's testimony. Not only that, but you will find, in the second branch of this case when I come to argue it, that on the morning of the 29th—Fitz-John Porter was to be there on the morning of the 28th at daylight—when he pretends that he had such a terrible number of troops in his front, the evidence of himself, his command, and the general officers of the rebel army shows that the dust was so thick in his front that he thought the whole rebel army was moving on him. That is where I get it. There is his own statement for it that he knew by the dust that rose in the road that an army was moving upon him.

Mr. McPHERSON. May I ask the Senator from Illinois a question?

Mr. LOGAN. Certainly.

Mr. McPHERSON. Is the statement in General Grant's letter, as one of the grounds of his justification for now favoring the bill, untrue

that the messenger or the officer who conveyed the order from General Pope to General Porter was over three hours upon the road, a mounted officer traveling over the same road that Porter would have to travel? It is stated that he was over three hours in daylight in reaching General Porter to deliver the order.

Mr. LOGAN. Three hours! He may not have started in good season after receiving the order; he says there were no wagons on the road within about six miles of Warrenton Junction, where Porter was to start from, and he may have traveled slowly. I can not say, but he shows that Porter could at least have marched several miles without difficulty.

Mr. McPHERSON. While I am on my feet perhaps I might ask the Senator to permit me to make another statement with regard to the condition of the road. He states that General Porter sent to General Pope requesting him to send back cavalry and clear the road. General Grant states that in this narrow road, and over a country impossible to be traversed by an army except along the line of road, more than 2,000 army wagons were mired across the passage that General Porter would have to take to reach General Pope.

Mr. LOGAN. I will answer the Senator in this way: You can not put 2,000 army wagons in nine miles of road in one line to save your life, without putting them on the top of one another. Ask any Army officer and he will tell you so.

Mr. McPHERSON. You could not put 2,000 army wagons in one of the Virginia roads, one hundred feet wide, many of them?

Mr. LOGAN. Then it is a bigger road than I thought it was. It was not so narrow a road as I supposed. The army could march night or day on such a road.

Mr. McPHERSON. I think the Senator ought to correct his arithmetic a little.

Mr. LOGAN. That is a curious phase of it. It is a little road for Porter's men and a big road for wagons. Is that your idea?

Mr. McPHERSON. If the Senator wants an answer —

Mr. LOGAN. I will answer the Senator. Any man who has ever marched in the army with wagons knows that he could not put over one hundred and fifty wagons at best on a mile of road in single line. He is all the time saying it is a narrow road. Now, make the calculation.

Mr. McPHERSON. I hope the Senator will not accuse me of making this statement. I am reading from General Grant's article.

Mr. LOGAN. The Senator asks if I say General Grant does not tell the truth? I make no such assertion. I say he did not state the facts supported by evidence. That is what I said, and I say so now.

Now, if you will make the calculation of 200 wagons to a mile you will find that 1,800 wagons would doubly fill up nine miles. I do not see where you get your other 200.

Mr. McPHERSON. Suppose we leave the 200 out and call it 1,800.

Mr. LOGAN. You were talking about 2,000, and I said there was no such testimony, and there could not be, because you could not put them in the line. When men make statements, I do not care who they are, they ought to be reasonable statements that will meet the comprehension of men who understand how these things are themselves. Now, let me go a little further, and I will answer the other statement that these wagons were all mired. That is absurd.

Mr. McPHERSON. Many of them.

Mr. LOGAN. I have just read the testimony of the quartermaster

that had them in charge, who swears that he put them in park and that he brought out the head of them at daylight next morning. If General Grant and the Senator from New Jersey know more about it than the quartermaster who had charge of them, who swears to the fact, all right, but here is the man who had charge and this is his testimony.

Mr. JOHNSTON. What did Captain De Kay say about that?

Mr. LOGAN. He said there was no trouble about it. He said there were a few wagons: he had to ride around them: that was all: and there were none for several miles from Warrenton Junction. I have said this before. So far as the three hours were concerned, I do not know that Captain De Kay was in a hurry. The order was to march at 1 o'clock. He got there at 9.30 p. m. There was plenty of time between that and 1 o'clock to give the order to march. Captain De Kay said there was no particular obstruction in the road. There were a few wagons he had to ride around. All the men who traveled that night say the same thing.

Now, here is the evidence of a man who marched his company that night along the greater part of that road to Bristoe Station: and he swears that there was no serious obstruction in the road.

Mr. FRYE. Who swears that?

Mr. LOGAN. Captain Haddow. It is in the evidence here and I will furnish it.

Mr. McPHERSON. Do I understand that the Senator from Illinois prefers to believe the testimony of this captain—I think Captain Berdan he was called? The time is not very far gone when General Grant's testimony was pretty good testimony before the people of this country with respect to any subject.

#### NO QUARREL WITH GENERAL GRANT.

Mr. LOGAN. The Senator can not get me into any quarrel with General Grant: and more than that, it comes in very bad grace from the Senator to make the remarks he does in reference to this matter—very bad indeed. I said nothing disrespectful of General Grant. I merely said that he is mistaken, and the evidence shows it: and when he asks if I prefer to believe a captain rather than General Grant I say I prefer to believe the sworn testimony of men who were on the ground and saw the thing than anybody who was not on the ground who makes a general statement, I do not care who he may be.

Further than that, I will say to the Senator that I prefer to believe the sworn statements of men who swear they marched their troops over that road that night and found no obstruction, to believing the statement of Fitz-John Porter or anybody that tries to defend him. Here you bring General Jubal Early as a witness to testify in behalf of Porter: and General Jubal Early swears that he moved his troops from near Bristoe Station some distance that night after dark, and there was no trouble in marching.

Mr. McPHERSON. How far was that?

Mr. LOGAN. Several miles. I can not say how far.

Mr. McPHERSON. No wagons in the way.

Mr. LOGAN. How do you know?

Mr. McPHERSON. I think so.

Mr. LOGAN. You think he marched without wagons! General Jackson moved his whole corps that night from Centreville up to Groveton, eight or nine miles.

Mr. McPHERSON. If the Senator will bear with me for a moment

I think we can settle this phase of the question without further discussion between himself and me.

Mr. LOGAN. Very well.

Mr. McPHERSON. General Grant avers that General Porter was not required to do anything more than exercise his own judgment. Let me read his own words.

Mr. LOGAN. It is not necessary to read them.

Mr. McPHERSON. General Grant says:

General Porter was entirely justified in exercising his own judgment in this matter because the order shows that he was not to take part in any battle when he arrived there, but was wanted to pursue a fleeing enemy. So there was nothing in the world to require General Porter to move.

Mr. LOGAN. The great military genius of the Senator from New Jersey overwhelms me. He states that General Grant said that there was nothing imperative requiring Porter to move, because he was not required to fight, but merely to pursue an enemy! How could he pursue an enemy if he was not there to pursue him? How could he pursue an enemy if he did not move toward him, or move at all?

I do not care to discuss General Grant's proposition, for I have answered it in a letter, and I will let the country judge as to which one gives the best reasons for the views he entertains based on these facts. I do not wish to get into any discussion about it, but merely to say that any Senator who will receive the statement of president, king, or captain not based upon testimony, rather than his own opinion, is a man whose judgment does not operate for itself, and is a man who, if you want to get his judgment for anything, you will not ask him what he believes but ask the man who forms his opinions for him. I am not that kind of a judge. If you want to know what I believe, ask me. If I want to know what you believe, ask Grant. [Laughter.]

[At this point the honorable Senator yielded to a motion that the Senate proceed to the consideration of executive business.]

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*Tuesday, January 2, 1883.*

Mr. LOGAN. Mr. President, on Friday last I had concluded my argument, with the exception of one or two suggestions, in reference to the testimony with regard to the order known as the 6.30 order of the 27th of August, 1862.

#### CERTAIN GENTLEMEN CHANGING THEIR OPINIONS.

I desire now, however, to occupy the time of the Senate for a moment for the purpose of making clear one or two little matters that were suggested to me in the nature of inquiries. Before doing that I will ask to have a letter read, which I could not lay my hands on at the time when I made the remark about certain gentlemen changing their opinions. I merely wish that the letter I send to the desk be read.

The Acting Secretary read as follows:

WASHINGTON, April 18, 1874.

MR. PRESIDENT: It is no doubt known to you that General Fitz-John Porter claims to have procured evidence since his trial, not attainable at the time, which would either acquit him of the crime of which he stands convicted or greatly modify the findings and sentence of the court-martial before which he was tried, and that he has embodied in a printed pamphlet the kind and character of this evidence and what he expects to establish by it, together with an appeal for a rehearing of his case.

It is widely asserted by those who sympathize with him, and probably believed by many who have no personal interest in his case, that influences hostile to him have restrained you from examining this statement of his case, and have thus

worked great injustice by preventing the Executive from considering statements or evidence which might vindicate his character.

It is needless to say to you that I have never used any influence with you, personal or other, to prevent the investigation of his statements, nor even intimated to you in any manner that I objected to any action you might think proper to take in the matter.

Nevertheless, as I do not wish even to seem to consent to any additional misconceptions concerning me or my action in this case, I beg (if you have not already done so) that you will yourself, Mr. President, examine as fully into the question as you think justice or mercy demands; or that you will order a board of competent officers of high rank, unconnected with the armies or transactions involved, to investigate fully the statements of this new evidence made by General Porter, and report to you what, if any, bearing it would have upon the findings and sentence of his court-martial, even if it could be fully established.

I am, sir, very respectfully, your obedient servant.

JOHN POPE, *Brigadier-General, U. S. A.*

General U. S. GRANT.

*President of the United States.*

EXECUTIVE MANSION, Washington, D. C., May 9, 1874.

MY DEAR GENERAL: Your letter of the 18th of April, in regard to your position in the matter of a rehearing of the Fitz-John Porter court-martial, was duly received. You are under the apprehension that I had not fully examined the case, or rather that the public so thought, and that you had used means to prevent me from giving the subject fair consideration.

In reply, I will make two emphatic statements: First, to the best of my recollection, I have never had but one letter from you on this subject prior to the one I am now answering, and that simply contained the request that if I contemplated reopening the case that I examine both sides. I read during the trial the evidence and the final findings of the court, looking upon the whole trial as one of great importance, and particularly so to the Army and Navy. When General Porter's subsequent defense was published, I received a copy of it and read it with care and attention, determined if he had been wronged and I could right him I would do so. *My conclusion was, that no new facts were developed that could be fairly considered, and that it was of doubtful legality whether by the mere authority of the Executive a rehearing could be given.*

Yours truly,

U. S. GRANT.

General JOHN POPE, *U. S. A.*

True copies:

C. S. HUSLEY,  
*Captain and Aid-de-Camp.*

MR. LOGAN. I have no comment to make. Let the letters speak for themselves.

#### ERROR AS TO WAGONS.

Now I wish to disabuse the minds of some of the Senators on the subject of the two or three thousand wagons on the road during the night of the 27th of August, which was insisted upon here on Friday. General Myers, in answer to a question, casually remarked that it took a long time for the rear of two or three thousand wagons to come up. This was merely a loose remark, not defining any number, and is more than likely a misprint, and really that is what I think it is; but still it makes no difference, for the reason that all the troops that had moved over that road together would not have had anything like that number of wagons, or else he meant that all the wagons were at their destination except the rear of the train that he was parking.

I have made a calculation which will at once show the error. Nine miles of road comprise 17,520 feet. Now, stretch a train of wagons from Warrenton Junction to Bristoe Station, allowing fifty feet to each wagon, with the mules in motion, which is the rule, and you could put just nine hundred and fifty wagons on the road stretched out in a line. I can only express my surprise at such a statement being made by any one wishing this case measured by justice and truth. That is all I have to say on that subject.

## PORTER'S REFUSAL TO MARCH.

In concluding this branch of the case I wish to say that on the night of the 27th of August, 1862, nearly all the troops of Pope's command, or at least a great portion of them except Porter's corps, marched in one direction or another during that night, and that all of General Jackson's forces marched during that night, some of them a distance much greater than Porter would have had to march. His refusal to march was the only exception to the marching of both armies during that night.

## SUSTAINED IN EVERY POSITION.

Now, for the purpose of showing that I am sustained in every position that I have taken on the subject of the 6.30 order, I desire to detain the Senate for a few moments in reading extracts from the testimony of the different witnesses on that point. To these extracts I desire to call the especial attention of Senators who have made suggestions by way of argument, and especially in view of a certain article which has been written in which it is suggested that Fitz-John Porter had no particular notice or knowledge that he was required to move at a certain time.

I will now recapitulate in a very condensed form the substance of the evidence on three points. Porter first having notice of the necessity of expedition in his movements.

## FIRST ORDER ISSUED BY GENERAL POPE.

You will notice that in the first order, issued by General Pope on the 26th of August at 7 p. m., ordering Porter to move forward to Warrenton Junction, he was notified in the following language:

Make your men cook three days' rations, and keep at least two days' cooked rations constantly on hand. Hurry up Morrell as rapidly as possible, as also the troops coming up in his rear. The enemy has a strong column still further to his left towards Manassas Gap Railroad, in the direction of Salem.

Following that, at 4 o'clock a. m. on the 27th, the same day on which the 6.30 order was issued, he issued the following order to Fitz-John Porter:

The enemy's cavalry has intercepted our railroad connection near Manassas, and he seems to be advancing with a heavy force along the Manassas Gap Railroad. You should get here (Warrenton Junction) at as early a time as possible to render assistance if it should be needed.

## THE ENEMY MOVING ON OUR LINES.

There was notice to him at 4 o'clock on the morning of the 27th that the enemy was moving on our lines, and that he must be ready to assist at any moment, if necessary. That is the language. These two orders, both having been sent to Porter, showed him the necessity of quick movements prior to the 6.30 order of the 27th of August, which he has been charged with disobeying. Mr. President, this entirely disposes of the attempted excuse that he (Porter) had no knowledge of the necessity of his moving.

## A PORTION OF POPE'S TESTIMONY.

Now I will read a portion of General Pope's testimony:

Question. Will you explain to the court the reasons for the urgency of the order, as indicated by the following words of the order: "It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place?"

Answer. General Hooker's division had had a severe fight along the railroad, commencing some four miles west of Bristoe Station, and had succeeded in driving the division of General Ewell back along the road, but without putting it to rout; so that at dark Ewell's forces still confronted Hooker's division along the banks of a small stream at Bristoe Station. Just at dark Hooker sent me word, and General Heintzelman also reported to me, that he, Hooker, was almost en-

tirely out of ammunition, having but five rounds to a man left, and that if any action took place in the morning, he would, in consequence, be without the means of making any considerable defense. As it was known that Jackson, with his own and the division of A. P. Hill, was at or in the vicinity of Manassas Junction, and near enough to advance to the support of Ewell, it was altogether probable that if he should learn the weakness of our forces there he would unite and make an attack in the morning. It was for that purpose that I was so anxious that General Porter's corps should be present by daylight, the earliest moment at which it was likely the attack would be made.

Q. What distance would General Porter have had to march to have obeyed your order?

A. About nine miles.

Q. And within what time; from 1 o'clock until when?

A. He would have had until daylight. I do not remember exactly what time daylight was; perhaps 4 o'clock, perhaps a little earlier. I directed him to move at 1 o'clock, in order to give his command as much time to remain in their beds at night as possible; supposing that it would occupy him perhaps three hours to get up on the ground. I had expected him there certainly by 4 o'clock.

Q. You had just passed over the road along which he was required by this order to march; will you state its condition?

A. The road was in good condition everywhere. At most places along the road it was a double road on each side of the railroad track. I am not sure it was a double road all the way; a part of the way I know it was.

Q. Did General Porter obey that order?

A. He did not.

Q. At what time on the 28th did he arrive at Bristoe Station, the point indicated in your order?

A. As the head of his column came to Bristoe Station I took out my watch; it was twenty minutes past 10 o'clock in the morning.

Q. If there were any obstacles in the way of such a march as your order contemplated, either growing out of the night or the character of the road, will you please state them?

A. There was no difficulty in marching, so far as the night was concerned. I have several times made marches, with a larger force than General Porter had, during the night. There was some obstruction on the road in a wagon train that was stretched along the road, marching toward the Manassas Junction, in rear of Hooker's division; not sufficient, in my judgment, to have delayed for a considerable length of time the passage of artillery. But even had the roads been entirely blocked up, the railroad track was clear, and along that track had passed the larger portion of General Hooker's infantry. There was no obstruction to the advance of infantry.

Q. Whatever obstacle, in point of fact, may have existed to the execution of this order, I ask you, as a military man, was it, or not, the duty of General Porter, receiving this command from you as his superior officer, to have made efforts, and earnest efforts, to obey?

A. Undoubtedly it was his duty.

Then his testimony goes on:

Along the road between Warrenton Junction to Kettle Run, which is perhaps three miles west from Bristoe Station, the track had been torn up in places, but during the day of the 27th of August I directed Captain Morrell, of the engineers, with a considerable force, to repair the track up to the bridge over Kettle Run, which had been burned. He reported to me on the night of the 27th that he had done so, so that from Warrenton Junction to the bridge over Kettle Run there was no obstruction on the railroad of any description. The bridge at Kettle Run had been burned, but a hundred yards above the bridge the road crossed the creek by a ford, and from there toward Bristoe the most of the country, in fact nearly the whole of it, was open country.

#### EVIDENCE OF DRAKE DE KAY.

In reference to the evidence of Drake De Kay I desire to call attention to it merely on one point. He swears that from Catlett's Station to Warrenton Junction, a distance of five or six miles as he states—but no matter how far, say four miles—when he passed down a little after 8 o'clock, that was when he passed Catlett's Station, there were no wagons on that part of the road at all, but they were parked down near Catlett's Station. The next morning he started with Porter's corps, after breakfast, when this park near Catlett's Station had pulled



out into the road, and that was the obstruction they found in the road to Bristoe Station that morning. His testimony is as follows:

Question. Will you please state it, as far as you can recall it?

Answer. I arrived, as I have said, about half past 9 o'clock, at his tent, and found General Porter and two or three generals there—General Sykes and General Morell, and, I think, General Butterfield, though I am not sure whether he came in afterward or not. I handed General Porter the order, which he read and then handed to one of the generals, saying as he did so, "Gentlemen, there is something for you to sleep upon."

Butterfield says he thinks he said "There is something for a short nap;" but that is immaterial.

I then said that the last thing that General Pope said to me on leaving Bristoe Station was that I should remain with General Porter and guide the column to Bristoe Station, leaving at 10 o'clock, and that General Pope expected him certainly to be there by daylight, or relied upon his being there by daylight; something of that nature; those may not be the exact words; I only give to the best of my recollection, of course. General Porter then asked me how the road was. I told him that the road was good, though I had had difficulty in getting down on horseback, owing to the number of wagons in the road; but I told him I had passed the last wagon a little beyond Catlett's Station from this direction. I told him that as they were moving slowly he would probably be up with them by daylight. I also stated to him that his infantry could take the railroad track, as many small squads of men had gone up that way. These small squads, I would state here, though I did not state that to General Porter, were stragglers from Hooker's corps; I should think some six or eight hundred of them, which we passed in going down to Bristoe Station; they all took the railroad track as the shortest and easiest road.

Q. What remark, if any, did General Porter make, either to you or to the generals with him, in reply to this statement in reference to the road and the expectation of General Pope?

A. He stated—I do not think to me; he spoke generally to all who were in the tent—that his troops had just got into camp; that they had been marched hard that day; that they would be good for nothing if they were started at that time of night; that if their rest was broken they would be good for nothing in the morning on coming up with the enemy.

Q. Did you or not make known to him that you were there for the purpose of conducting him under the order of General Pope?

A. I did.

Q. What was the character of the night of the 27th of August?

A. To the best of my recollection, it was a cloudy night, but not rainy.

Q. What was about the distance between Warrenton Junction and Bristoe Station?

A. I supposed it to be ten miles; they say nine miles.

Q. What was the distance from Bristoe Station to Catlett's Station, when you passed the last of the wagons?

A. I can not tell you exactly; six miles, I should think.

Q. At what hour did you pass the last of those wagons?

A. Half past 8 p. m., I should think.

Q. Did you remain over night, and wait until the march of General Porter's command the next day?

A. I did.

Q. At what hour, in point of fact, did he move from Warrenton Junction?

A. I should think the head of the column left about 4 o'clock in the morning; I am not positive about the hour.

Q. At what rate did the command march after it left Warrenton Junction?

A. I could not say at what rate. We started at or about 4 o'clock in the morning, and marched along quietly, without any apparent haste, meeting with no obstruction or detention, except that arising from the wagons we found in the road. The head of the column arrived at Bristoe Station about 10 o'clock, I should judge.

Q. At what point did you overtake the wagons, and how many of them do you suppose there were?

A. I do not recollect. There was a large park of wagons near Warrenton Junction—about half way between Catlett's Station and Warrenton Junction—which left for Bristoe Station at daylight. We overtook those wagons. They were in park when I passed down to Warrenton Junction the previous evening; therefore I can not tell when we overtook the end of the train which I had passed near Catlett's Station the evening before.

Q. What is the meaning of the term "in park"?

A. In camp.

## OTHER WITNESSES.

Chauncey McKeever, known as General McKeever, a man well known here by nearly everybody, testifies that there was nothing to prevent the troops being put in motion on that night of the 27th of August.

Colonel Robert C. Cleary, who was sent by Porter to move the trains forward beyond Cedar Run, testifies that a proper force had been sent forward to clear the road; that there was nothing to prevent the troops from moving that night if a force had been sent to clear the road; that when he passed over it there was only a small portion of the road obstructed.

Solomon Thomas testifies that he moved out on the road in the morning; that they lay there until 9 o'clock on the morning of the 28th before they were moved forward; that the roads were in good condition and when they moved out there was no obstruction. He was part of this command.

General Butterfield testifies that General Porter sent two aids to Pope that night, to ask Pope to clear the road for him (Porter); that he did not know the urgency of the order; nor did he know whether any attempt had been made to clear the road.

Captain Duryea testifies that he marched from Warrenton that night up to 12 o'clock, and experienced no difficulty whatever in marching.

Captain William W. Macy testifies that he marched that night until 10 o'clock, and experienced no difficulty, and had marched many times on darker nights.

Lieutenant Brooks testifies that he traveled that night from beyond Warrenton to Warrenton Junction, from Warrenton Junction to Bristoe Station, and from Bristoe Station along to Greenwich; that he had no difficulty in finding the road, and that the roads were good.

General Thomas McCoy testifies that he marched all the night of the 27th and until 1 o'clock in the morning with his command, and they experienced no difficulty in marching.

Colonel Buchanan testifies that he was at Porter's headquarters at 3 o'clock in the morning; that there was no stirring in the camp; that he waited until after sun-up before he could see General Porter; that after that time Porter asked him to send a detachment of his cavalry forward to clear the road, so that he could march his troops, which was done.

William E. Murray testifies that he marched with his command that night until 10 o'clock; that the roads were dry and in good condition.

William M. Campbell testifies that he marched that night, finding no difficulty in the roads or darkness of the night.

Major William Birney testifies that he marched with his command in the direction of Bristoe Station on the night of the 27th; also marched again before daylight; that he experienced no difficulty on account of the character of the night, or the roads; and that his entire brigade accompanied him.

J. H. Stine testifies that he marched with the whole brigade to which he belonged, until after 9 o'clock at night, and found no difficulty either in the roads or in the darkness of the night.

Captain John P. Taylor testifies that he is well acquainted with that country; that he was over the road from Warrenton Junction to Bristoe Station frequently; that wagons could go on either side of the road; that it was an open country, so that troops could move either on or at the side of the roads without difficulty.

The truth is, the evidence does show that there were but two little strips of wood from Warrenton Junction to Bristoe Station. It was

all open field, and the fences had been burned. There was no trouble whatever in troops marching either on the road or outside of the road.

Samuel G. Hill, of Gibbon's brigade, testifies that his brigade marched that night until 10 o'clock; that he was up until 3 o'clock in the morning, and that the night was clear.

Major Duvall testifies that he rode from Warrenton to Catlett Station, from Catlett Station to Bristoe Station; thence to Manassas Junction; that there were wagons in the road, but no particular obstruction; that he traveled from eighteen to twenty miles that night.

James Haddow testifies that he marched with his command after sundown from Catlett Station to Bristoe Station; that the next morning (the 28th) he went from Bristoe Station back to Catlett Station; thence to Warrenton with three ambulances, and that they had no material difficulty in passing; that they met Porter's troops on the way.

Lieutenant Tiffany and N. P. Beach accompanied Haddow and testified to the same.

General Jubal Early testifies that he marched on the night of the 27th without experiencing any difficulty on account of the night.

Henry Kidd Douglass, adjutant-general of Jackson, of the confederate army, testifies that Jackson's whole command moved away from Centreville up to near Groveton with all their brigade trains during the night of the 27th.

General Myers, quartermaster who had charge of the trains, testifies that the road was good from Warrenton Junction to Bristoe Station; that he parked the trains and kept them going into park, reducing the number all the time in the road; that there was a road on either side of the railroad; that there was nothing to prevent troops from moving that night; that he brought the head of the wagon trains into the road at daylight on the morning of the 28th.

I follow this with the more extended testimony of these witnesses on these points.

General Pope, the commander of that army, testified as follows, pages 12 and 13, general court-martial:

Major-General John Pope was called by the Government, sworn and examined, as follows:

By the JUDGE-ADVOCATE.

Question. Will you state to the court what position you occupy in the military service of the United States?

Answer. I hold a commission as brigadier-general in the regular Army, and as major-general of volunteers.

Q. What was your position and command, and what the field of your operations on the 27th of August last?

A. Do you mean my military position as commander?

Q. Yes, sir.

A. I commanded the Army of Virginia, which, as originally constituted, consisted of the army corps of McDowell, Banks, and Frémont. These, by the 27th of August, had been re-enforced by a portion of General Burnside's command, by General Heintzelman's corps, and on the morning of the 27th by a part of General Porter's corps. A portion of my command also consisted of the troops under General Sturgis, which had begun to come up to Warrenton Junction. I was myself, on the morning of the 27th, at Warrenton Junction. The field of operations of the army at that time covered the region of country between the Warrenton turnpike and the Orange and Alexandria Railroad.

Q. At what time on the 27th did you leave Warrenton Junction, and in what direction did you march?

A. I left Warrenton Junction before midday, I think, though the precise hour I do not remember, and moved east along the railroad, following the movements of Hooker's division, toward Manassas Junction.

Q. At what time did General Porter arrive with his command, or the portion of his command of which you speak, at Warrenton Junction?

A. I think between the hours of 7 and 10 o'clock in the morning of the 27th of August.

Q. How many troops had he then with him?

A. He reported to me that he had brought up Sykes's division of regulars, numbering 4,500 men.

Q. Did you see his troops; and, if so, what was their condition?

A. I only saw them at a distance as they passed along; not sufficiently near to ascertain anything about that.

Q. Did you, or not, after you left Warrenton Junction and proceeded along the road east, issue to Major-General Porter an order in reference to the movements of his troops; and, if so, what was the character of that order?

A. I issued an order to General Porter late in the afternoon of the 27th, directing him to move with his command at 1 o'clock that night to the position I then occupied at Kettle Run; that if General Morell with his other division was not up to Warrenton Junction when he received that order to send back and hurry him up, and to come forward himself with the troops which he had. That is my remembrance of the order. I gave him some further directions concerning General Bank's movement, the substance of which I remember very well, but not the precise words.

Q. Will you look at this order, which is dated "Headquarters Army of Virginia, August 27, 1862, 6:30 p. m., Bristoe Station. To Major-General F. J. Porter, Warrenton Junction," and state whether or not that is the order to which you refer in your answer?

A. That is the order I issued.

(The accused admitted that the order shown to witness is the order, a copy of which is set forth in the first specification of the first charge.)

Q. Will you explain to the court the reasons for the urgency of the order, as indicated by the following words of the order: "It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place?"

A. General Hooker's division had had a severe fight along the railroad, commencing some four miles west of Bristoe Station, and had succeeded in driving the division of General Ewell back along the road, but without putting it to rout; so that at dark Ewell's forces still confronted Hooker's division along the banks of a small stream at Bristoe Station. Just at dark Hooker sent me word, and General Heintzelman also reported to me, that he, Hooker, was almost entirely out of ammunition, having but five rounds to a man left, and that if any action took place in the morning, he would, in consequence, be without the means of making any considerable defense. As it was known that Jackson, with his own and the division of A. P. Hill, was at or in the vicinity of Manassas Junction, and near enough to advance to the support of Ewell, it was altogether probable that if he should learn the weakness of our forces there, he would unite and make an attack in the morning. It was for that purpose that I was so anxious that General Porter's corps should be present by daylight, the earliest moment at which it was likely the attack would be made.

Q. What distance would General Porter have had to march to have obeyed your order?

A. About nine miles.

Q. And within what time; from 1 o'clock until when?

A. He would have had until daylight. I do not remember exactly what time daylight was; perhaps 4 o'clock, perhaps a little earlier. I directed him to move at 1 o'clock, in order to give his command as much time to remain in their beds at night as possible; supposing that it would occupy him perhaps three hours to get upon the ground. I had expected him there certainly by 4 o'clock.

Q. You had just passed over the road along which he was required by this order to march; will you state its condition?

A. The road was in good condition everywhere. At most places along the road it was a double road on each side of the railroad track. I am not sure it was a double road all the way; a part of the way I know it was.

Q. Did General Porter obey that order?

A. He did not.

Q. At what time on the 28th did he arrive at Bristoe Station, the point indicated in your order?

A. As the head of his column came to Bristoe Station I took out my watch; it was 20 minutes past 10 o'clock in the morning.

Q. Did he at that time, or at any time before his arrival, explain to you the reason why he did not obey the order?

A. He wrote me a note, which I received, I think, in the morning of the 28th; very early in the morning, perhaps a little before daylight. I am not quite sure about the time. The note I have mislaid. I can give the substance of it. I remember the reasons given by General Porter. If it is necessary to state them I can do so.

The accused asked if the witness had looked for the note.

The WITNESS. I looked for it, but have not been able to find it.

The JUDGE-ADVOCATE. I will not press the question.

The ACCUSED. I do not object to it. The witness says she has looked for the note and can not find it. I only want to know when and where he has searched for it.

By the JUDGE-ADVOCATE:

Q. What was the character of the night; was it starlight?

A. Yes, sir; as I remember, it was a clear night; that is my recollection.

Q. If there were any obstacles in the way of such a march as your order contemplated, either growing out of the night or the character of the road, will you please state them?

A. There was no difficulty in marching, so far as the night was concerned. I have several times made marches, with a larger force than General Porter had, during the night. There was some obstruction on the road in a wagon train that was stretched along the road, marching toward the Manassas Junction, in rear of Hooker's division; not sufficient, in my judgment, to have delayed for a considerable length of time the passage of artillery. But even had the roads been entirely blocked up, the railroad track was clear, and along that track had passed the larger portion of General Hooker's infantry. There was no obstruction to the advance of infantry.

Q. Whatever obstacle, in point of fact, may have existed to the execution of this order, I ask you, as a military man, was it, or not, the duty of General Porter, receiving this command from you as his superior officer, to have made efforts, and earnest efforts, to obey?

A. Undoubtedly it was his duty.

Q. You mentioned that in going from Warrenton Junction toward Briscoe Station, on the morning of the 27th of August, you saw many stragglers of Hooker's command on the railroad; were they, or not, in sufficient numbers to have impeded the march of infantry along the track?

A. Shortly after I started east from Warrenton Junction we came upon the railroad again just east of Cedar Run, and from that time until we reached Briscoe Station the road was lined with stragglers from Hooker's division. Those stragglers commenced singly; then two or three together, then half a dozen, until we had got three, or four, or five miles from Warrenton Junction toward the east, when they began to be in bodies of forty or fifty, or one hundred together, marching along the railroad going eastward, between Warrenton Junction and Briscoe Station. I think the most of them had gotten up to their command at Briscoe Station during the night, though I continued to see small bodies of them coming along the railroad track on the morning of the 28th of August. They occupied the whole track during the day of the 27th as we were going eastward, but all of them, or the larger portion of them, got to Briscoe Station during the night of the 27th of August.

Q. Were there, to your knowledge, any openings in the track, such as to have made it dangerous for infantry to march along said track at night?

A. Along the road, between Warrenton Junction to Kettle Run, which is, perhaps, three miles west from Briscoe Station, the track had been torn up in places; but during the day of the 27th of August I directed Captain Morrell, of the engineers, with a considerable force, to repair the track up to the bridge over Kettle Run, which had been burned. He reported to me, on the night of the 27th, that he had done so; so that from Warrenton Junction to the bridge over Kettle Run there was no obstruction on the railroad of any description. The bridge at Kettle Run had been burned; but a hundred yards above the bridge the road crossed the creek by a ford, and from there toward Briscoe the most of the country—in fact nearly the whole of it—was open country.

I now proceed to read the testimony of Captain De Kay, on page 43 of the general court-martial record:

Captain Drake De Kay was then called by the Government, sworn, and examined as follows:

By the JUDGE-ADVOCATE:

Question. Will you state what position you hold in the military service?

Answer. First lieutenant of the Fourteenth Infantry.

Q. What position did you hold during the campaign of the Army of Virginia under the command of General Pope?

A. Aid-de-camp to General Pope.

Q. Did you, or not, on the 27th of August last, bear a written order from Major-General Pope to Major-General Porter, who was then, I believe, at Warrenton Junction?

A. I did.

Q. Do you remember distinctly the character of that order, and would you be able to recognize it again upon having it read to you?

A. I did not read it.

Q. Did you, or not, after its delivery to General Porter, learn from him its character?

A. I was aware of its character by word of mouth, either from General Pope or from his chief of staff.

Q. Will you state its character as you understood it?

A. That he was to proceed at 1 o'clock that night to move up to Bristol Station with his command.

Q. Do you mean at 1 o'clock on the morning of the 28th of August?

A. Yes, sir.

Q. At what hour of the 27th of August did you deliver this order to General Porter?

A. Between 9 o'clock and half-past 9 p. m.: I think about half-past 9; I could not say within half an hour.

Q. Had you any conversation with General Porter at the time in relation to the order or the execution of the order by him?

A. Yes, sir; some conversation.

Q. Will you please state it, as far as you can recall it?

A. I arrived, as I have said, about half-past 9 o'clock, at his tent, and found General Porter and two or three generals there—General Sykes and General Morrill, and, I think, General Butterfield, though I am not sure whether he came in afterward or not. I handed General Porter the order which he read and then handed to one of the generals, saying as he did so, "Gentlemen, there is something for you to sleep upon."

I then said that the last thing that General Pope said to me on leaving Bristol Station was that I should remain with General Porter and guide the column to Bristol Station, leaving at 1 o'clock, and that General Pope expected him certainly to be there by daylight, or relied upon his being there by daylight; something of that nature; those may not be the exact words; I only give to the best of my recollection, of course. General Porter then asked me how the road was. I told him that the road was good, though I had had difficulty in getting down on horseback, owing to the number of wagons in the road; but I told him I had passed the last wagon a little beyond Catlett's Station from this direction. I told him that as they were moving slowly he would probably be up with them by daylight. I also stated to him that his infantry could take the railroad track, as many small squads of men had gone up that way. These small squads, I would state here, though I did not state that to General Porter, were stragglers from Hooker's corps; I should think some six or eight hundred of them, which we passed in going down to Bristol Station; they all took the railroad track as the shortest and easiest road.

Q. What remark, if any, did General Porter make, either to you or to the generals with him, in reply to his statement in reference to the road and the expectation of General Pope?

A. He stated—I do not think to me; he spoke generally to all who were in the tent—that his troops had just got into camp; that they had been marched hard that day; that they would be good for nothing if they were started at that time of night; that if their rest was broken they would be good for nothing in the morning on coming up with the enemy.

Q. Did you or not make known to him that you were there for the purpose of conducting him under the order of General Pope?

A. I did.

Q. Did he or not, at the moment, announce any purpose either to obey the order or not to do so?

A. I do not recollect precisely.

Q. From the remarks made by General Porter, in your hearing, in reply to these statements of yours, was or was not the impression made upon your mind that it was not his purpose to march in obedience to the order?

Question objected to by the accused.

The judge-advocate stated that he merely wished to arrive at the fact whether there was any determination made known to the witness in regard to this order in any way; he was not particular as to the form of the question to be asked.

The accused withdrew his objection.

A. There was no order issued to my knowledge, of course, one way or the other. That would have been done through General Porter's assistant adjutant-general. I can only say that I was aware of the determination not to start until daylight, inasmuch as I laid down and went to sleep.

Q. Do I or do I not understand you, then, to say that there was an evident determination on the part of General Porter not to march until daylight?

A. There was.

Q. Have you any knowledge as to the time at which his troops had arrived at Warrenton Junction?

A. Only the fact that the regulars—Sykes's division—were in camp at Warrenton Junction at about 10 o'clock in the morning of that day, which fact I am aware of from having visited several officers of my regiment in their camp.

Q. These regulars were a portion of General Porter's command, were they not?

A. Yes, sir.

Q. Have you any knowledge how far the troops under General Porter had marched on that day?

A. I have not.

Q. What was the character of the night of the 27th of August?

A. To the best of my recollection, it was a cloudy night, but not rainy.

Q. What was about the distance between Warrenton Junction and Bristoe Station?

A. I supposed it to be ten miles; they say nine miles.

Q. What was the distance from Bristoe Station to Catlett's Station, when you passed the last of the wagons?

A. I can not tell you exactly; six miles, I should think.

Q. At what hour did you pass the last of those wagons?

A. Half past 8 p. m., I should think.

Q. Did you remain over night, and wait until the march of General Porter's command the next day?

A. I did.

Q. At what hour, in point of fact, did he move from Warrenton Junction?

A. I should think the head of the column left about 4 o'clock in the morning; I am not positive about the hour.

Q. At what rate did the command march after it left Warrenton Junction?

A. I could not say at what rate. We started at or about 4 o'clock in the morning, and marched along quietly, without any apparent haste, meeting with no obstruction or detention, except that arising from the wagons we found in the road. The head of the column arrived at Bristoe Station about 10 o'clock, I should judge.

Q. At what point did you overtake the wagons, and how many of them do you suppose there were?

A. I do not recollect. There was a large park of wagons near Warrenton Junction—about half way between Catlett's Station and Warrenton Junction—which left for Bristoe Station at daylight. We overtook those wagons. They were in park when I passed down to Warrenton Junction the previous evening; therefore I can not tell when we overtook the end of the train which I had passed near Catlett's Station the evening before.

Q. What is the meaning of the term "in park?"

A. In camp.

Q. Had General Porter's command marched at 4 o'clock in the morning would he or would he not have passed those wagons in camp?

A. He would have passed them in camp, probably.

Q. Was or was not the march throughout at the usual rate at which troops move, or was it slower?

A. It was at the rate at which troops would move if there was no necessity for rapid movement.

Colonel Frederic Myers, of the Quartermaster's Department, who is now dead, testifies (general court-martial record, page 106):

Lieutenant-Colonel Frederic Myers was then called by the Government and sworn, and examined as follows:

By the JUDGE-ADVOCATE:

Question. Will you state to the court in what capacity you served in the Army of Virginia, under Major-General Pope, during its late campaign in July and August last?

Answer. I was chief quartermaster to General McDowell.

Q. Where were you on the night of the 27th of August last?

A. I was with the trains of the Army, about a mile and a half from where General Hooker had his battle on the 27th.

He was with the trains about a mile and a half from where General Hooker had the battle of the 27th. General Hooker's battle on the 27th was at Bristoe Station, where these troops were to be marched that night.

Q. Did you, or not, receive any instruction from General Pope on that day, relating to your train along the road from Warrenton Junction to Bristoe Station? If so, state what they were.

A. I was ordered to move the trains in rear of General Hooker.

Away from Warrenton Junction; not in the direction of Warrenton Junction.

Just before dark General Pope with his staff rode up, and I reported to him that General Hooker was in action ahead of me, and asked him if I should go into park with my trains. He replied that I could do so, or go on, as I thought best.

Q. What did you do; did you go into park, or did you continue on?

A. *I went into park, and gave directions to all the quartermasters to go into park.*

Q. At what hour on the following morning were those trains upon that road put in motion?

A. *The head of the train commenced moving just at daylight.*

Q. What was the condition of the road between Warrenton Junction and Bristol Station at that time, so far as regards the passage of wagons, artillery, &c.?

A. *It was in excellent condition at that time.*

Q. Do you remember the character of that night—the night of the 27th of August?—If so, will you please state it?

A. I was up nearly all that night. It was quite dark; there was no moon.

Q. Did the night change in its character toward the morning, or was it the same throughout?

A. It was a dark night. I could not state about it toward morning particularly.

Q. In view of the condition of the road as you have described it, and also the character of the night, was or was not the movement of troops along that road practicable that night?

A. I do not know of anything to hinder troops moving along the railroad there. There was a road running each side of the railroad. I should think it would have been easy for troops to move along there, although I may be mistaken in that.

Francis S. Earl, the assistant adjutant-general of General Morell, swears as follows (board record, pages 408–413):

Question. When did you, as acting assistant adjutant-general for Major-General Morell, on the 27th of August, first receive intimation that you were to move the next morning?

Answer. That was the day we moved to Warrenton Junction; I knew nothing of it until the next morning.

Q. About daybreak?

A. The order came to General Morell that we were to move in the morning; that was all I knew—that we were to move in the morning.

Q. When did you receive the first intimation that you were to move on the morning of the 28th?

A. I could not say whether it was the night before or whether it was during the night. I think it must have been before, because I knew we were to move at 3 o'clock in the morning.

Q. Were you up at 3 o'clock?

A. Yes; I was up at that time, and before, probably.

Q. You are quite positive you were?

A. Yes, sir.

Q. Have a distinct recollection of it?

A. Yes; I recollect being up at that time.

Q. At what time did you arrive at Bristol Station?

A. I should judge somewhere about 10 o'clock, between 9 and 10.

Q. Do you know of any orders having been given the night before, or any effort made to clear that road from Warrenton Junction to Bristol Station?

A. No, sir.

Q. From your position, would you have been likely to have known?

A. If I had really been acting as assistant adjutant-general of division, or feeling that I was in that position, I probably may have known of it.

Q. You considered you were acting in that capacity?

A. I considered myself more acting as an aid to General Morell, because I had not been announced as assistant adjutant-general.

Q. Who was acting as assistant adjutant-general?

A. Nobody but myself; he so considered me, though I had not been announced.

General Chauncey McKeever, chief of staff of General Heintzelman, on page 151 of the board record, as it is called.

General Keever says:

Question. If a peremptory order had been received at Warrenton Junction to move from that place to Bristol at 1 a. m. on the night of the 27th and 28th of August, is it your opinion, as a military man, that the troops at Warrenton could have been put in motion on the road to Bristol in order to comply with such a command?

Answer. They could have been put in motion, I presume. I know nothing to prevent their being put in motion.

Q. Do you recollect about what time it was daylight on the 28th of August?

A. I should think about 4 o'clock; may be a little later—not much.

#### A NOTE FROM GENERAL PORTER.

Colonel Robert E. Clary, called by accused, swears that he received



a note from Porter about 10 o'clock to run the railroad trains east beyond Cedar Run; and in answer to question says, page 119, G. C. M. (court-martial record, page 118):

Question. You speak of pushing forward the trains. Do you mean the trains upon the railroad, or ordinary wagon trains?

Answer. I mean railroad trains loaded with our own stores, and I think some sick and wounded.

Q. In your opinion, could or could not General Porter, after the receipt of his order to move, which receipt was at 9:30 p. m. of the 27th of August, have cleared the road entirely of wagons by 1 or 2 o'clock that night, so that his march would not have been much impeded?

A. I think the troops could have passed over during the night, had a sufficient force been sent in advance to have cleared the road of its obstructions, which, at the time I passed over it, extended only three miles, I think. When I passed over the road it was between 2 and 3 o'clock in the morning; what the obstructions had been previously to that time I am unable to say.

The examination by the judge-advocate here closed.

Examination by the Court:

Q. Will you state whether at 1 o'clock the character of the night and the state of the road were such as, in your judgment, to render practicable the march of General Porter's troops to Bristoe Station to arrive at or about daylight?

A. Not without the preliminary steps which I have previously stated ought to have been taken.

Q. Were or were not the first three or four miles of the road from Warrenton unobstructed?

A. They were, as I passed over it.

Solomon Thomas, of the Eighteenth Massachusetts Regiment, Martindale's brigade, being a part of Morell's division, swears, on page 841 of the board record, as follows:

Question. On the 27th of August where were you?

Answer. We were moving on the Warrenton road toward Bristoe Station. I should think that we were encamped on that night some six to eight miles from Bristoe Station. We went in before sundown; probably the sun was an hour or an hour and a half high when we halted there.

Q. When did you move from there?

A. I was corporal of the guard that night, and was ordered to wake the men at 1 o'clock, which I did; and we were formed and moved out from our camp immediately after 1 o'clock.

Q. At what time did you start on your march?

A. We then started immediately from that, and marched a mile probably, when we were halted.

Q. How long did you remain there before you proceeded on your journey?

A. I know at 9 o'clock we were still there. We had halted in the first place expecting to stop for a moment, and halted in position. Then we were ordered to rest at will, and did so, and then were ordered to lie down, and then we lay down.

Q. That was the morning of the 28th?

A. Yes, sir; and lay in that position, as we felt disposed, until, I should think—according to the best of my judgment it was 10 o'clock before we were called to company. Then we started and marched for Bristoe Station.

Q. Do you recollect what the character of that night was, the 27th, and morning of the 28th of August?

A. I do. I recollect the roads were in good condition and that as we moved out there was no obstruction whatever in our way.

Q. You were wounded on the 30th?

A. On the 31st.

Extract from General Butterfield's testimony (court-martial record, page 179):

General Porter called two aids, and sent them off to investigate the condition of the road and to ask General Pope to have the road cleared, so that we could come up.

PORTER ASKS POPE TO HAVE THE ROAD CLEARED.

He sent off two aids, not two men to clear the road, but sent two aids through to Bristoe Station to ask General Pope to have the road cleared

for him, so that he might come up the next morning. General Butterfield continues:

Q. Did you see the order of the 27th from General Pope, or know anything about the urgency of its terms?

A. I did not read it.

Q. Did you learn of Captain Drake De Kay that General Pope had taken measures to have the road cleared?

A. I did not.

Q. Can you state that, in point of fact, the road had not been cleared by General Pope's orders, or that at 1 o'clock at night and until later in the morning the road was all cleared; and can you state that the wagons that obstructed the road when you passed had not moved on to the road after daylight?

A. I can not; I have no knowledge upon that subject.

Captain W. B. C. Duryea, called by the Government, and sworn and examined, as follows (court-martial record, page 115):

By the JUDGE-ADVOCATE:

Question. What is your position in the military service?

Answer. I am assistant adjutant-general to General Duryea.

Q. Where were you and in what position on the 27th August last?

A. We were on the march from Warrenton, and on the night of the 27th of August we halted. I should think, some three or four miles this side of Warrenton.

Q. At what hour of the night did you halt?

A. About midnight.

Q. In your march up to that hour did you experience any unusual difficulties growing out of the character of the night?

A. No, sir.

In the board record, page 583, will be found the evidence of William W. Macy:

William W. Macy, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Question. Where do you reside?

Answer. Winchester, Indiana.

Q. Were you in the military service of the United States in August, 1862; if so, in what capacity?

A. I was in the military service at that time; a sergeant, I believe.

Q. What regiment?

A. Nineteenth Indiana Volunteers, Gibbon's brigade, King's division.

Q. When you finally left the service, what rank did you hold?

A. I held the rank of captain, A Company, Twentieth Indiana, our regiment having become consolidated.

Q. Where were you on the 27th of August, 1862?

A. With Gibbon's brigade, on the march most of the day from Sulphur Springs toward the old Bull Run battle-ground.

Q. How long did your brigade continue its march that day?

A. About 10 o'clock, I think, or half past 10 that night.

Q. You then arrived at what place, as near as you can recollect?

A. I think it was called New Baltimore. We laid near a little town.

Q. What was the character of that night—the night of the 27th and 28th of August?

A. Rather a dark night; starlight dark night.

Q. Do you know what the character of that night was toward morning?

A. I am a little indistinct as to just the time. I was up at some time in the after part of the night.

Q. Once, or more than once?

A. Once that I recollect very distinctly, and I think only once.

Q. What was the character of the night, then, so far as distinguishing objects?

A. I could see how to get a little way from the camp. I could see where the men laid as I went past the line where the soldiers were lying without running over them.

Q. How far could you see?

A. I do not know that I could state how far I could see to distinguish things. I could see when I passed the wagon trains enough to stay away from the horses' heels. I could see that the wagon teams were hitched up.

Q. In marching that night up to 10 o'clock, what difficulty, if any, did you experience on account of the character of the darkness of the night?

A. Most too dark to march pleasantly. We marched many nights as dark, though; some nights that were a good deal darker than it was that night we were on the march; but of course it is unpleasant marching after night.

Q. Your regiment, in the march—how was it as to keeping its formation?

A. Could keep the ranks, as far as that was concerned.

Q. What was the character of the roads, as to whether muddy or the reverse, on the night of the 27th of August?

A. They were not muddy unless we ran into a branch.

Lieutenant Edward Brooks called by the Government, and sworn and examined as follows (general court-martial record, page 112):

By the JUDGE-ADVOCATE:

Question. What is your position in the military service?

Answer. I am a first lieutenant of volunteers in the Sixth Wisconsin Regiment.

Q. State to the court, if you please, whether or not you were serving with the Army of Virginia on or about the 27th of August last.

A. I was.

Q. In what place occupied by that army were you on the night of the 27th of August?

A. I was at Bristoe Station and at Greenwich.

Q. Do you remember the character of the night; if so, will you state whether it was of usual or unusual darkness?

A. It was not very dark—not so dark but what I could find my way through the woods.

Q. Was or was not the night of such a character as to offer any unusual difficulties to the march of troops?

A. It was not.

Q. What was the general condition of the road from Warrenton Junction in the direction of Manassas Junction?

A. It was very good.

Q. Did you have full opportunities of ascertaining the condition of that road on the night of the 27th of August?

A. Yes, sir.

Q. What opportunities did you have?

A. I traveled from beyond Warrenton to Warrenton Junction, from Warrenton Junction to Bristoe Station; and after arriving at Bristoe Station I went across the country to Greenwich.

Q. Have you or not frequently passed over that road?

A. Very often.

Board record, page 640:

Colonel Thomas F. McCoy, called by the recorder, being duly sworn, was examined and testified as follows:

\* \* \* \* \*  
Question. Whose brigade and whose division?

Answer. Duryea's brigade, Rickett's division, McDowell's corps.

Q. What rank did you leave the service with?

A. Colonel.

Q. Were you brevet brigadier-general?

A. Yes, sir.

Q. Where were you on the afternoon of August 25, 1862?

A. A little southwest of Warrenton.

Q. How late did you march that day and evening?

A. The 25th?

Q. Yes.

A. I don't think we marched on the 25th. We marched on the 23d.

Q. Until how late?

A. About 10 or 11 o'clock.

Q. On the 27th of August were you on the march late in the day?

A. Yes.

Q. Until how late did you then march?

A. All night, until 1 o'clock.

Q. What difficulty, if any, was experienced in marching that night?

A. We didn't have any difficulty in marching that night. There was a good deal of straggling among the soldiers.

#### PORTER'S MOVEMENT FROM WARRENTON JUNCTION.

Let me call the attention of the Senate to the evidence of Lieutenant-Colonel Buchanan, of the Third Indiana Cavalry, on page 603 of the board record, in reference to Porter's movement from Warrenton Junction to Bristoe. He testifies as follows:

Question. What conversation had you with General Porter before he started off to Bristoe Station?

Answer. On the evening before he started somebody gave me an order to be in readiness to move at 3 o'clock in the morning. I was in front of General Porter's headquarters at 3 o'clock in the morning, but I saw no one until after the

break of day. Then some one came to me and told me to let the men get their breakfasts and let their horses be fed. That was done, and I immediately went back to the place I occupied. Some time afterward, after sunrise, I saw General Porter. I wanted to go back to Fredericksburgh to my regiment. I only had about ninety men with me, and I expected to go back the day before. I rode out with him in the woods, where he was in camp, until we got into an open field. He asked me to send a detachment of the command I had forward to clear the road toward Bristoe Station, two or three miles. This was done. I waited some little time, and the infantry began to move. About that time he handed me a letter, and directed me to give it to General Burnside, and told me I could go. I started toward Fredericksburgh; he sent an aid after me and brought me back, and told me he was apprehensive that I might be captured. He told me to say to General Burnside—I can not get his language—but the idea was that there was no disaster that was very threatening as yet, and he hoped for the best.

Board record, page 586:

William E. Murray, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Question. Where do you reside?

Answer. Winchester, Indiana.

Q. Were you in the military service of the United States in the month of August, 1862; if so, in what capacity?

A. Yes; I was a member of Company C, Nineteenth Indiana Volunteers.

Q. In whose brigade and division?

A. Gibbon's brigade, King's division.

Q. Where were you on the night of August 27, 1862?

A. The night of the 27th our regiment was encamped near New Baltimore; a little to the north, I think, of New Baltimore. That is, we stopped there about 10 o'clock, perhaps.

Q. How long had you been marching before you made that halt on that day of the 27th?

A. We had been marching, I think, most of the day; not continuously, but back and forth.

Q. From sunset, how much of that time had you been marching up to 10 o'clock?

A. I am unable to state the distance.

Q. Were you marching during that time?

A. We were moving most of the time.

Q. Did you keep to the road, or in the fields, or both?

A. Generally to the road, except where we would meet obstructions in the way of cavalry or artillery; kept mainly in the roads.

Q. How was it after dark?

A. Much the same.

Q. Do you recollect the character of the roads at that time, as to whether they were dry or muddy?

A. I don't remember any mud; I think they were generally dry.

Q. Do you recall what the character of the night of the 27th of August was?

A. There was no moon, according to my recollection, but it was clear; we could see objects plain enough.

Q. At a great distance?

A. A rod or so.

Q. How much of that night were you up after coming to a halt at 10 o'clock?

A. I should think that I did not lie down till near midnight.

Q. Up to that time, do you recollect what the character of the night was, as far as distinguishing objects was concerned?

A. My recollection is that it was the usual starlight night.

Q. Up to that time, during that night, what difficulty, if any, did you experience in marching?

A. No particular difficulty.

Q. How was the regiment, so far as its formation was concerned, on that march after sunset?

A. I think they kept their formation about as well as usual.

Board record, page 591:

William M. Campbell, called by the recorder, was sworn and examined, as follows:

Direct examination:

Question. State your residence.

Answer. I reside in Randolph County, Indiana.

Q. During the month of August, 1862, were you in the military service? If so, in what capacity?

A. I was in the military service, and in the Nineteenth Regiment of Indiana Volunteers, Gibbon's brigade, King's division.

Q. Where were you on the evening of August 27, 1862?

A. We were marching from the direction of Warrenton to Centreville, on a road that led in that direction, as far as I knew.

Q. On what is called the Warrenton, Gainesville, and Centreville pike?

A. I think that was it; that is my recollection of it.

Q. How late did you march?

A. We marched until after night. I could not state how late it was, because I did not have any timepiece. It was after night when we stopped.

Q. What was the character of the night?

A. It was an ordinary night, without moonlight; that is my recollection about it; nothing extraordinary in any way, only an ordinary night, such as we had a good many of in Virginia about those times.

Q. How far could you distinguish objects?

A. We marched our regiments in companies, and got along without any difficulty that I recollect of. How far we could see I could not say.

Board record, page 597:

J. H. Stine, called by the recorder, being duly sworn, testifies as follows:

Direct examination:

Question. Where do you reside?

Answer. I reside at Winchester, Randolph County, Indiana.

Q. During the month of August, 1862, were you in the military service of the United States? If so, in what regiment?

A. I was in Company C, Nineteenth Indiana Volunteers.

Q. Where were you on the afternoon, evening, and night of the 27th of August, 1862?

A. We started from Sulphur Springs near noon and marched north through Warrenton, going through there about 3 or 4 o'clock, and on north toward the Bull Run battle-ground.

Q. At what time did your regiment halt?

A. We marched quite a time after 9.

Q. Where was the rest of the brigade?

A. The whole brigade was together.

Q. Where was the rest of the division?

A. I took a great interest in the history of the movement of troops, and that day we were understood to be going into battle; I don't positively recollect whether the whole of the division went into camp or not; I know the next day we were not together all the time.

Q. In marching during that evening, what difficulty, if any, did you experience in getting along?

A. None, particularly.

Q. Did you keep to the road?

A. Mainly we did, though sometimes we didn't.

Q. Do you recollect what the character of the night was on the 27th of August, 1862.

A. My recollection is that from, say 8 to 10 o'clock, it was maybe toward from 8 to 11, it was not so light as afterward.

Board record, page 683:

William Birney, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Question. Where do you reside?

Answer. Washington city.

Q. In the month of August, 1862, what rank did you hold in the service of the United States?

A. I was major of the Fourth New Jersey Regiment; I commanded the Fifty-seventh Pennsylvania.

Q. You finally left the service with what rank?

A. Brevet major-general.

Q. Early that month I believe you were taken prisoner?

A. No, sir; I was taken prisoner at Gaines' Mill.

Q. When did you assume command of the Fifty-seventh Pennsylvania?

A. Immediately after my exchange. If my memory serves me, I was exchanged on the 13th of August and took command about the 15th.

Q. In whose division were you then?

A. Commanding the Fifty-seventh; I was in Kearney's, Heintzelman's corps.

Q. Where were you on the night of August 27, 1862, and the morning of the 28th?

- A. I was in camp, a little north of the Alexandria railroad.  
 Q. Did you march any that night; if so, when, and for what length of time?  
 A. We marched that night, but the exact hour of starting I can not recollect.  
 We marched some time before daybreak and in the direction of Bristoe Station.  
 Q. How many hours is it your recollection, about, that you marched?  
 A. I can not now say. I recollect marching some distance.  
 Q. What difficulty, if any, did you experience in marching that night, from the character of the night or the character of the roads?  
 A. I recollect no particular difficulty about the road.  
 Q. Were you then in command of the Fifty-seventh Pennsylvania?  
 A. I was.  
 Q. Did the entire brigade march with you?  
 A. Yes, sir.  
 Q. Do you recollect about what time you came to a halt?  
 A. I can not remember whether we halted before we got to Bristoe Station or not. We got to Bristoe Station at a very early hour.

Board record, page 861:

John P. Taylor, called by the recorder, having affirmed, testified as follows:

Direct examination:

Question. Where do you live?

Answer. Reedsville, Pennsylvania.

Q. Were you in the military service of the United States in the month of August, 1862; if so, in what capacity?

A. I was captain of the First Pennsylvania Cavalry at that time.

Q. Have you ever been over the road from Warrenton Junction to Bristoe Station?

A. Yes; quite frequently.

Q. What was the character of that road from Warrenton Junction to Catlett's in 1862?

A. It is on the left side of the road from Warrenton Junction to Catlett's. There is a stream that passes between Warrenton Junction and Catlett's. I think at a distance not to exceed a mile.

Mr. BELLEF. Had the witness been over this road frequently before that?

A. Yes; I encamped at Catlett's in the spring of 1862 for some three weeks, immediately after the enemy vacated Manassas. We were there three weeks before the advance moved to Fredericksburgh.

Q. Go on and describe the character of the road as it then was from Warrenton Junction to Catlett's Station.

A. There is a stream passes down between Warrenton Junction and Catlett's and a railroad bridge crosses there, and some trestle-work, but above the bridge it is almost level country for some miles west. At that time there was a strip of woods that came down near Catlett's—a narrow strip of woods. We had moved all over that ground for a mile west of the railroad.

Q. Then coming from Catlett's to Bristoe, what was the character of the road?

A. That is nearly a vast plain most of the way. There are two streams, I think—small ravines—but the country is a vast plain. General Gregg moved his division of cavalry a mile to the north of the railroad, in the night, from Bealton to Auburn, about two or three miles north of Catlett's.

Q. Across the country?

A. Yes; across the country about a mile, where there was no road.

Q. At that time, could wagons go on each side of the road?

A. There were roads some distance there on each side of the railroad, and wagons and troops moved frequently in column.

Q. More than one road?

A. Oh, yes; the troops had made roads. Sometimes one road would get bad, and they would go off and make another road. The country was such they could have one almost any place.

By Mr. BELLEF:

Q. Were there any woods along the line of that road from Warrenton Junction to Bristoe Station?

A. There is a strip of woods that comes down at Catlett's or near Catlett's.

Q. Is that the only one?

A. There may have been others.

Q. I ask you, from your recollection, whether you know there were no others, or that there were others?

A. I don't recollect any woods, that is to any distance; I know there was on the right.

Q. Do you recollect whether there were any roads at that time that had been made by the army cutting through the woods and leaving stumps in the road?

A. No, sir.

Q. Do you recollect anything of that sort?

A. There were roads there in the spring of 1862 that the enemy had used during the winter of 1861-'62; fencing and everything was gone; it was an open country from Manassas to Warrenton Junction.

Q. Then it was an open country all the way from Manassas to Bristoe, was it?

A. Very nearly.

Board record, page 589:

Samuel G. Hill, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Question. Where do you reside?

Answer. Arbor, Indiana.

Q. Were you in the military service of the United States during the month of August, 1862?

A. Yes; I was a private in the Nineteenth Indiana, Company C.

Q. Gibbon's brigade, King's division?

A. Yes, sir.

Q. Where were you on the afternoon of August 27, 1862?

A. On the road from Warrenton to Gainesville.

Q. How late were you marching?

A. We were marching until 10 o'clock at night.

Q. Do you recollect what the character of the night was?

A. It was a clear night.

Q. How much of that night did you have an opportunity of noticing?

A. Until probably 3 o'clock of the morning of the 28th.

Board record, page 803:

Solomon Thomas, of Morrill's division, Porter's corps, called by the recorder, being duly sworn, testified as follows:

Question. On the 27th of August where were you?

Answer. We were moving along the Warrenton road toward Bristoe Station. I should think that we were encamped on that night some six to eight miles from Bristoe Station. We went in before sundown; probably the sun was an hour or an hour and a half high when we halted there.

Q. When did you move from there?

A. I was corporal of the guard that night, and was ordered to wake the men at 1 o'clock, which I did, and we were formed and moved out from our camp immediately after 1 o'clock.

Q. At what time did you start on your march?

A. We then started immediately from that and marched a mile, probably, when we were halted.

Q. How long did you remain there before you proceeded on your journey?

A. I know at 9 o'clock we were still there. We had halted in the first place expecting to stop for a moment, and halted in position. Then we were ordered to rest at will, and did so, and then were ordered to lie down, and then we lay down.

Q. That was the morning of the 28th?

A. Yes, sir; and lay in that position, as we felt disposed, until, I should think—according to the best of my judgment it was 10 o'clock before we were called to company. Then we started and marched for Bristoe Station.

Q. Do you recollect what the character of that night was, the 27th, and morning of the 28th of August?

A. I do. I recollect the roads were in good condition, and that as we moved out there was no obstruction whatever in our way.

Q. You were wounded on the 30th?

A. On the 31st.

E. D. Roath, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Question. Where do you reside?

Answer. Marietta, Lancaster County, Pennsylvania.

Q. Were you in the military service of the United States in August, 1862? If so, in what capacity?

A. I was in the military service of the United States in 1862, as captain of Company E, One hundred and seventh Regiment Pennsylvania Volunteers, Dur-yea's brigade, Ricketts' division.

Q. You finally left the service with what rank?

A. Captain, and was brevetted.

Q. On the night of August 27, 1862, where were you?

A. We were somewhere, I think, between Warrenton and a place called Waterloo; somewhere in the neighborhood of Warrenton.

Q. Did you make a night march that night?

A. We marched some; we were going from toward the Rappahannock across there.

Q. How late did you march?

A. I can not tell exactly what time we bivouacked. I know that we were all tired.

Q. Have you any recollection with reference to midnight as to what time you came into camp?

A. I could not tell, but I think it was somewhere near midnight; might have been 11 o'clock.

Q. Do you recollect whether you experienced any difficulty in marching?

A. No, sir; we did not.

Q. What was the character of the night as to darkness?

A. There was no moon; it was starlight; a little hazy toward morning, I think.

#### HOW JUBAL EARLY MARCHED THE SAME NIGHT.

General Jubal Early, confederate, testifies (board record, page 812) that he marched on the night of the 27th, between 10 and 12 o'clock, in the direction of Manassas, by way of Blackburn's Ford, and he experienced no difficulty whatever in marching.

Board record, pages 702, 705, 707, 708.

Henry Kyd Douglas, staff officer to General Jackson, testifies (on page 685, board record) that General Jackson's whole command moved away from Centreville on the night of the 27th, with all their trappings, up to the position, or near it, that they occupied on the day of the battle of the 29th.

Board record, page 820:

I. H. Duval, called by the recorder, being duly sworn, testified as follows: Question. Where do you reside?

Answer. Wellsborough, West Virginia.

Q. Were you in the military service of the United States in the month of August, 1862? If so, in what capacity?

A. I was major of volunteers, First West Virginia Regiment.

Q. Whose brigade and division?

A. I was in the fourth brigade, Ricketts's division.

Q. Where were you on the evening of August 27, 1862, and what did you do?

A. On the evening of August 27 I was with my brigade. We were about four miles, I think, northwest of Warrenton at that time—north or northwest—and I was directed by my colonel to carry a letter that he handed me from General Ricketts to General Pope.

Q. To what point?

A. It was supposed to be somewhere near Centreville. That was my order.

Q. What did you then do?

A. I started and made the trip and delivered the letter.

Q. You left the camp about what time?

A. Nearly dark. It was after sundown.

Q. What road did you take?

A. I came back to Warrenton, and I followed then the road running from Warrenton in the direction of Catlett Station. I was directed to go that way and keep out of the way of the enemy.

Q. Did you pass through Warrenton Junction?

A. No, sir; I struck the road at Catlett's.

Q. What direction did you then take?

A. I took the road leading from Catlett Station to Manassas Junction, by the way of Bristoe.

Q. Where did you find General Pope?

A. I found General Pope near Manassas Junction.

Q. What was the character of that night?

A. I don't know that I recollect distinctly in regard to that. I rode all night, though, until about 3 o'clock in the morning, when I took a little rest. I had no particular difficulty in finding the way.

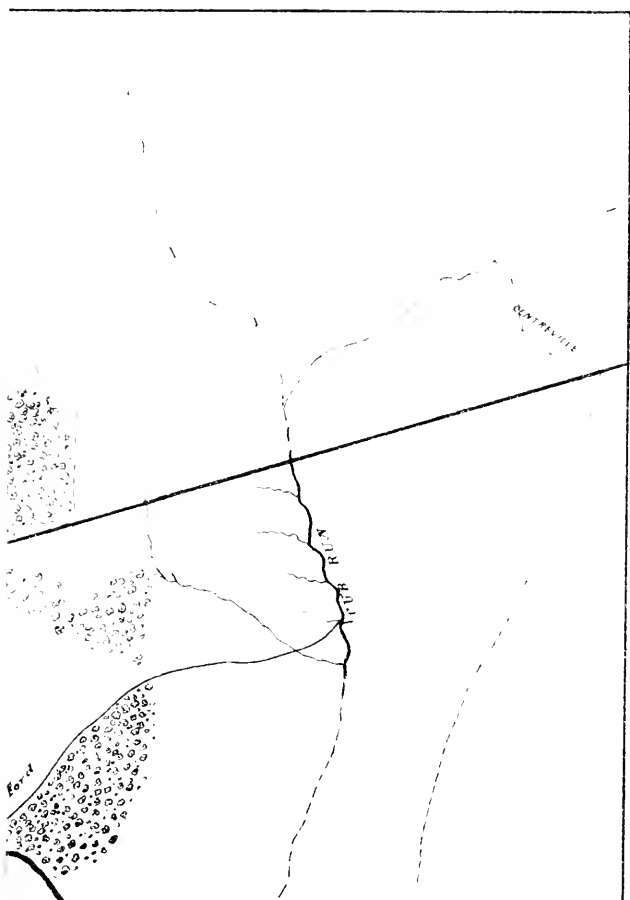
Q. From Catlett Station to Bristoe did you meet with any obstruction to your movements?

A. There were a great many wagons along the line; there were some troops, but I went along without any particular obstruction. There were no obstacles that kept me from going.

Q. Did you have any escort with you?

A. No, sir.





ILLUSTRATION

Map of the Battle Grounds of August 24<sup>th</sup> 1862, A.D. 1862

General, Prince William Co. Va.

of the

The Battle of

The Battle of



Major Duvall also testifies that he traveled eighteen or twenty miles that night.

Board record, page 832, paragraph 875:

James Haddow, called by the recorder, being duly sworn, testified as follows.

Direct examination:

Question. Where do you reside?

Answer. Barlow, Ohio.

Q. Were you in the military service of the United States on the 27th of August, 1862; if so, in what capacity?

A. I was in the military service as orderly sergeant of Company F, Thirty-sixth Ohio Infantry.

Q. When you finally left the service what rank did you hold?

A. Captain. I was transferred to Company E.

Q. Where were you at sunset on the 27th of August, 1862—about that time?

A. We were on the road between Catlett Station and Bristoe.

Q. Did you after that go toward Catlett Station; if so, at what time and under what circumstances?

A. We marched that night to Bristoe, arriving at Bristoe Station after dark some time; we remained there that night; on the following morning the regiment went on in the direction of Manassas; the company of which I was a member was detached and put in charge of a major of the medical department to go back in the direction of Warrenton with ambulances and obtain medical supplies; we returned to somewhere near Warrenton, passing Catlett Station at some distance on the morning of the 28th; we returned to Bristoe on the evening of the 28th.

Q. At what time did you set out from Bristoe Station to go in the direction of Catlett Station?

A. I could not give the hour, but pretty early in the morning—as soon as we got up and got breakfast.

Q. Did you during that day see General Porter's corps?

A. We met troops (it was a frequent habit to ask soldiers what troops they were), and they said they were General Porter's troops. Porter's troops lay at Warrenton Junction on the afternoon of the 27th, when we left there.

Q. What difficulty, if any, did you experience on the morning of the 28th in taking this ambulance train from Bristoe Station to Catlett Station?

A. I don't think we had any material difficulty in getting through; we must have had at least three ambulances; we passed through trains and passed troops; we must undoubtedly have made a march that day of sixteen miles; we could not have met with serious obstructions.

Q. Do you know what troops you met?

A. They said they were General Porter's; we inquired frequently; of course I was not acquainted with General Porter's corps; we had just reached the East from the West, and all troops were strange to me.

Q. On the morning of the 29th where were you?

A. After taking supper on the evening of the 28th, at Bristoe Station, some time after dark we commenced marching again and marched to Manassas Junction, reaching there some time during the night; I don't know what hour; so early in the night that we lay down and slept, however, and on the morning of the 29th we were at Manassas Junction.

Board record, page 834, paragraph 878:

Lieutenant A. F. Tiffany, called by the recorder, being duly sworn, testified as follows:

\* \* \* \* \*  
Question. What difficulty, if any, did you experience in getting along in your march from Bristoe toward Warrenton?

Answer. Nothing more than that which is common where there are a good many trains passing; sometimes the road would be full; sometimes we would pass around, then we would be on the road again; nothing so very unusual in the way of traveling.

N. P. Beach accompanied Haddow and Tiffany, and when asked,

"Did you meet with any special difficulty in getting along?" answered, "No, not at any time that I recollect."

#### SECOND BRANCH OF THE CASE.

Mr. President, I have gone over this testimony merely that the minds of the Senators who had any doubt about the facts I have stated might be put at rest on that particular subject. Now, I propose to discuss the second branch of this case, which is as to Porter's disobedience of orders

on the 29th of August, 1862, and not only his disobedience of orders upon which he was convicted, but the fact that he refused or at least did not attempt in the slightest manner whatever to aid or assist his comrades, who were engaged in that severe battle which lasted from early in the day until 9 o'clock at night. In discussing this proposition I find that one of the reasons given by the Schofield board for reporting in favor of Fitz-John Porter's restoration is that there was no battle on the 29th of August. I will read what they say. This is the conclusion of their report, which was read by the Senator from New Jersey:

*The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle of the 29th of August. That battle consisted of a number of sharp and gallant combats between small portions of the opposing forces. Those combats were of short duration, and were separated by long intervals of simple skirmishing and artillery duels. Until after 6 o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then, about sunset, one additional division on each side was engaged near Groveton. The musketry of that last contest and the yells of the confederate troops about dark were distinctly heard by the officers of Porter's corps; but at no other time during all that afternoon was the volume of musketry such that it could be heard at the position of Porter's troops. No sound but that of artillery was heard by them during all those hours when Porter was understood by the court-martial to have been listening to the sounds of a furious battle raging immediately to his right. And those sounds of artillery were by no means such as to indicate a general battle.*

*The reports of the 29th and those of the 30th of August have somehow been strangely confounded with each other. Even the confederate reports have since the termination of the war been similarly misconstrued. Those of the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th. The fierce and gallant struggle of his own troops on the 30th has thus been used to sustain the original error under which he was condemned. General Porter was in effect condemned for not having taken any part in his own battle. Such was the error upon which General Porter was pronounced guilty of the most shameful crime known among soldiers. We believe not one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.*

\* \* \* \* \*  
J. M. SCHOFIELD,  
Major-General, U. S. Army.  
ALFRED H. TERRY,  
Brigadier-General, U. S. Army.  
GEO. W. GETTY,

Brigadier-General, U. S. Army, Colonel Third Artillery.

That is the language of this report. Now, if I can show from the evidence that it is not true, that it is really without foundation in fact, then I beg to know how it is that gentlemen will ask that we be governed or bound by a report of these "high officials," as they are termed. To the performance of that task I will now proceed.

#### THERE WAS A BATTLE.

The first proposition in discussing the second portion of this case is the inquiry, and how is it to be answered, was there a battle on the 29th of August, 1862? Where they find the evidence to support the statement that there was no battle I can not understand. General Pope swears that there was a battle on the 29th, commencing as early as 8 o'clock in the morning and lasting until 9 o'clock at night. General McDowell swears to the same facts, not that he was in it all day himself, but that he heard the sound of musketry and artillery all day and marched to the sound of those guns and engaged in the battle a little after 5 o'clock in the afternoon.

General Reynolds reports that there was a battle. General Schenck reports and swears there was a battle. General John C. Robinson reports that there was a battle. General Grover reports a battle. General

Kearney reports that there was a battle. General Sigel reports that there was a battle. General Milroy reports that there was a battle. General Stahl reports a battle. Lieutenant G. B. Haskins reports his command engaged until they were out of ammunition and had to retire. Carl Schurz's report of his command shows a severe engagement of his troops. Lieutenant-Colonel Muhleek reports that on the 29th a severe engagement was had with the enemy by one of the Union divisions, where they fought at the point of the bayonet. Colonel Kryzanowski, commanding a brigade, reports not only a severe engagement on his part of the line, but uses the word "furious" to describe it.

REPORTS OF UNION OFFICERS.

In giving the following reports of Union officers I have been compelled in many cases to use extracts, for the reason that in cutting from the reports I could not take the pages, it being printed on both sides. The same is also the case with the confederate reports. But all material points are included, and these extracts apply solely to the 29th of August, 1862:

Report of Brigadier-General John F. Reynolds, division attached to McDowell's corps.

HEADQUARTERS REYNOLDS'S DIVISION,  
*Camp near Munson's Hill, Va., September 5, 1862.*

\* \* \* \* \*  
General McDowell joined the command at daylight, and directed my co-operation with General Sigel.

The right of the enemy's position could be discerned upon the heights above Groveton, on the right of the pike. The division advanced over the ground to the heights above Groveton, crossed the pike, and Cooper's battery came gallantly into action on the same ridge on which the enemy's right was, supported by Meade's brigade. While pressing forward our extreme left across the pike, re-enforcements were sent for by General Sigel for the right of his line under General Milroy, now hardly pressed by the enemy, and a brigade was taken from Schenck's command on my right. The whole fire of the enemy was now concentrated on the extreme right of my division, and, unsupported there, the battery was obliged to retire with considerable loss, in both men and horses, and the division fell back to connect with Schenck.

Later in the day General Pope, arriving on the right from Centreville, renewed the attack on the enemy and drove him some distance. My division was directed to threaten the enemy's right and rear, which it proceeded to do under a heavy fire of artillery from the ridge to the left of the pike. Generals Seymour and Jackson led their brigades in advance; but, notwithstanding all the steadiness and courage shown by the men, they were compelled to fall back before the heavy fire of artillery and musketry which met them both on the front and left flank, and the division resumed its original position. King's division engaged the enemy along the pike on our right, and the action was continued with it until dark by Meade's brigade.

Report of Brigadier-General John C. Robinson, of Kearney's division, Heintzelman's corps.

HEADQUARTERS ROBINSON'S BRIGADE,  
*Centreville, Va., August 31, 1862.*

\* \* \* \* \*  
On Friday morning I was ordered to "support Colonel Poe's brigade and to develop his line of battle to the right." After crossing Bull Run I moved forward in two lines, the first composed of the Sixty-third Pennsylvania and five companies of the Thirtieth Ohio, which were temporarily attached to my command. Arriving on the ground assigned me, I remained for a considerable time exposed to a heavy artillery fire, after which I took up my position on high ground farther to the right. I was soon after directed by Major-General Kearney, commanding division, to move to the support of Poe's left, when I formed the Sixty-third and One hundred and fifth Pennsylvania in line of battle on the Leesburgh road, holding the Twentieth Indiana and Ohio battalion in reserve. At this time there was a heavy musketry fire to our left and front, and I was directed to move forward through the woods to turn the enemy and cut off his retreat through the railroad cut.

On arriving on the ground with the Sixty-third and One hundred and fifth Pennsylvania, Twentieth Indiana, and Third Michigan, I found the railroad at

ready occupied by our own troops and the cornfield in front filled with the enemy. I then deployed the Sixty-third and One hundred and fifth Pennsylvania along the railroad to the right of the troops in position, directing the Third Michigan to protect my right flank, placing the Twentieth Indiana in reserve, and throwing skirmishers to the front. Soon after taking this position the regiments on my left gave way and passed rapidly to the rear out of the woods, leaving my left flank entirely exposed.

As rapidly as possible I moved my command to the left to occupy the deserted ground, but before my troops could get fairly into position I was fiercely attacked by a superior force that had succeeded in crossing the road. I then threw forward my right wing, forming my line of battle at right angles to the original position, and checked the progress of the enemy. At this time General Birney brought up and turned over to me his Fourth Maine. He afterward sent me his First, Fortieth, and One hundred and first New York Regiments. These troops were deployed to the right and left of the railroad, and pushed forward to the support of my regiments in front, which were suffering severely from a terrific fire of musketry and the enemy's artillery posted on a hill to our right and rear. Our men now gained steadily on the enemy, and were driving him before them until he brought up fresh masses of troops (supposed to be two brigades), when, with ammunition nearly expended, we withdrew to our second position.

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Report of Brigadier-General C. Grover, of Heintzelman's corps.

HEADQUARTERS FIRST BRIGADE, HOOKER'S DIVISION,  
September 26, 1862.

\* \* \* \* \*  
On the following day we continued our march for the plains of Manassas by the way of Centreville, and arrived upon the battlefield about 9 a. m. The battle had already commenced, and as my column moved to the front the shells fell with remarkable precision along the line of the road, but fortunately did no damage.

My brigade was temporarily placed under the orders of Major-General Sigel, whose troops were then engaging the enemy in the center. Under instructions received from him, I threw forward the First Massachusetts Volunteers to support his line, while my remaining four regiments were drawn up in two lines, sheltered from the enemy's fire by a roll of the field in front. This position was occupied until about 2.30 p. m.

In the mean time I rode over the field in front as far as the position of the enemy would admit. After rising the hill under which my command lay an open field was entered, and from one edge of it gradually fell off in a slope to a valley, through which ran a railroad embankment. Beyond this embankment the forest continued, and the corresponding heights beyond were held by the enemy in force, supported by artillery.

At 3 p. m. I received an order to advance in line of battle over this ground, pass the embankment, enter the edge of the woods beyond, and hold it. Dispositions for carrying out such orders were immediately made: pieces were loaded, bayonets fixed, and instructions given for the line to move slowly upon the enemy until it felt its fire, then close upon him rapidly, fire one well-directed volley, and rely upon the bayonet to secure the position on the other side.

We rapidly and firmly pressed upon the embankment, and here occurred a short, sharp, and obstinate hand-to-hand conflict with bayonets and clubbed muskets.

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Report of General P. Kearney (by General Birney), of Heintzelman's corps.

CENTREVILLE, VA., August 31, 1862.

\* \* \* \* \*  
On the 29th, on my arrival, I was assigned to the holding of the right wing, my left on Leesburgh road. I posted Colonel Poe, with Berry's brigade, in first line; General Robinson, First Brigade, on his right, partly in line and partly in support; and kept Birney's most disciplined regiments reserved and ready for emergencies.

Toward noon I was obliged to occupy a quarter of a mile additional on left of said road, from Schurz's troops being taken elsewhere.

During the first hours of combat General Birney, on tired regiments in the center falling back, of his own accord rapidly pushed across to give them a hand to raise themselves to a renewed fight.

In early afternoon General Pope's order to General Roberts was to send a pretty strong force diagonally to the front to relieve the center in woods from pressure. Accordingly I detached on that purpose General Robinson, with his brigade, the Sixty-third Pennsylvania Volunteers, Colonel Hays, the One hundred and fifth Pennsylvania Volunteers, Captain Craig, the Twentieth Indiana, Colonel Brown, and, additionally, the Third Michigan Marksman, under Colonel Champlin. General Robinson drove forward for several hundred yards, but the center of

the main battle being shortly after driven back and out of the woods, my detachment thus exposed so considerably in front of all others, both flanks in air.

That I might drive the enemy, by an unexpected attack, through the woods, I brought up additionally the most of Birney's regiments, the Fourth Maine, Colonel Walker and Lieutenant-Colonel Carver, the Fortieth New York, Colonel Egan, First New York, Major Burt, and One hundred and first New York, Lieutenant-Colonel Gesner, and changed front to the left, to sweep with a rush the first line of the enemy. This was most successful. The enemy rolled up on his own right. It presaged a victory for us all; still our force was too light. The enemy brought up rapidly heavy reserves, so that our further progress was impeded. General Stevens came up gallantly in action to support us, but did not have the numbers.

#### Report of Major-General Franz Sigel.

NEAR FORT DE KALE, VIRGINIA, September 16, 1862.

II. — *Battle of Groveton, near Bull Run, on Friday, August 29, 1862.*

On Thursday night, August 28, when the First Corps was encamped on the heights south of Young's Branch, near Bull Run, I received orders from General Pope to "attack the enemy vigorously" the next morning. I accordingly made the necessary preparations at night and formed in order of battle at daybreak, having ascertained that the enemy was in considerable force beyond Young's Branch, in sight of the hills we occupied. His left wing rested on Catharpin Creek, front towards Centreville; with his center he occupied a long stretch of woods parallel with the Sudley Springs (New Market) road, and his right was posted on the hillson both sides of the Centreville-Gainesville road. I therefore directed General Schurz to deploy his division on the right of the Gainesville road, and, by a change of direction to the left, to come into position parallel with the Sudley Springs road. General Milroy, with his brigade and one battery, was directed to form the center, and to take possession of an elevation in front of the so-called "Stone house," at the junction of the Gainesville and Sudley Springs roads. General Schenck, with his division forming our left, was ordered to advance quickly to an adjoining range of hills, and to plant his batteries on these hills at an excellent range from the enemy's position.

In this order our whole line advanced from point to point, taking advantage of the ground before us, until our whole line was involved in a most vehement artillery and infantry contest. In the course of about four hours, from half past 6 to half past 10 o'clock in the morning, our whole infantry force and nearly all our batteries were engaged with the enemy, Generals Milroy and Schurz advancing one mile and General Schenck two miles from their original positions. At this time (10.30 o'clock) the enemy threw forward large masses of infantry against our right, but was resisted firmly and driven back three times by the troops of Generals Milroy and Schurz. To assist those troops so hard pressed by overpowering numbers, exhausted by fatigue and weakened by losses, I ordered one battery of reserve to take position on their left, and posted two pieces of artillery, under Lieutenant Blum, of Schirmer's battery, supported by the Forty-first New York Volunteer Infantry, beyond their line and opposite the right flank of the enemy, who was advancing in the woods.

At 2 o'clock in the afternoon General Hooker's troops arrived on the field of battle and were immediately ordered forward by their noble commander to participate in the battle. One brigade, under Colonel Carr, received orders, by my request, to relieve the regiments of General Schurz's division, which had maintained their ground against repeated attacks, but were now worn out and nearly without ammunition. Other regiments were sent forward to relieve Brigadier-General Milroy, whose brigade had valiantly disputed the ground against greatly superior numbers for eight hours.

To check the enemy if he should attempt to advance, or for the purpose of preparing and supporting an attack from our side, I placed four batteries, of different commands, on a range of hills on our side, in front and behind the woods, which had been the most hotly contested part of the battlefield during the day. I had previously received a letter from Major-General Pope, saying that Fitz-John Porter's corps and Brigadier-General King's division, numbering 20,000 men, would come in on our left. I did, therefore, not think it prudent to give the enemy time to make new arrangements, and ordered all the batteries to continue their fire and to direct it principally against the enemy's position in the woods before our front. Some of our troops placed in front were retiring from the woods, but as the enemy, held in check by the artillery in the center, did not venture to follow, and as at this moment new regiments of General Hooker's command arrived and were ordered forward, we maintained our position, which Generals Milroy and Schurz had occupied in the morning.

During two hours, from 4 to 6 o'clock p. m., strong cannonading and musketry

continued on our center and right, where General Kearney made a successful effort against the extreme left of the enemy's lines.

Report of Brigadier-General R. H. Milroy.

HEADQUARTERS INDEPENDENT BRIGADE,  
NEAR FORT ETHAN ALLEN, VA.,  
*September 12, 1862.*

On the following morning (the 29th) at daylight I was ordered to proceed in search of the rebels, and had not proceeded more than five hundred yards when we were greeted by a few straggling shots from the woods in front. We were now at the creek, and I had just sent forward my skirmishers when I received orders to halt and let my men have breakfast. While they were cooking, myself, accompanied by General Schenck, rode up to the top of an eminence some five hundred yards to the front to reconnoiter. We had no sooner reached the top than we were greeted by a shower of musket balls from the woods on our right. I immediately ordered up my battery and gave the bushwhackers a few shot and shell which soon cleared the woods. Soon after I discovered the enemy in great force about three-quarters of a mile in front of us, upon our right of the pike leading from Gainesville to Alexandria. I brought up my two batteries and opened upon them, causing them to fall back. I then moved forward my brigade, with skirmishers deployed, and continued to advance my regiments, the enemy falling back.

General Schenck's division was off to my left, and that of General Schurz to my right. After passing a piece of woods I turned to the right, where the rebels had a battery that gave us a good deal of trouble. I brought forward one of my batteries to reply to it, and soon after heard a tremendous fire of small-arms, and knew that General Schurz was hotly engaged to my right in an extensive forest. I sent two of my regiments, the Eighty-second Ohio, Colonel Cantwell, and the Fifth Virginia, Colonel Zeigler, to General Schurz's assistance. They were to attack the enemy's right flank, and I held my other two regiments in reserve for a time. The two regiments sent to Schurz were soon hotly engaged, the enemy being behind a railroad embankment, which afforded them an excellent breast-work.

Report of Brigadier-General Stahl.

CENTREVILLE, *September 1, 1862.*

With break of day on the 29th I followed the second brigade, first division, marching to Dogan's farm, and took position behind the farm. I remained here but a short time. Here I found a number of dead and wounded. Having remained here a half an hour a heavy skirmish occurred at this point.

Report of Lieutenant George B. Haskins, First Ohio Artillery, McLean's brigade, Schenck's division, Sigel's corps.

HEADQUARTERS BATTERY K,  
*Buffalo Fort, Va., September 17, 1862.*

Fighting resumed next morning, August 29, and engaged the enemy until about 11 a. m., when we ran out of ammunition, and, not being able to get more, were ordered to the rear, where we remained that and the following day, August 30, until about 5 p. m.

Report of Colonel Krzyzanowski, commanding second brigade, Schurz's division, Sigel's corps.

NEAR ARLINGTON HEIGHTS, *September 3, 1862.*

At about half past 5 o'clock a. m. on the 29th of August I received orders from General Schurz to advance with my brigade. It was done in the following order: Two regiments in company column, left in front, and one regiment, the Fifty-fourth New York Volunteers, as reserve. On the right of me was Colonel Schimelpennig with his brigade, and on the left General Milroy's brigade. A line of skirmishers having been established we advanced toward the woods through which the Manassas Gap Railroad runs. As soon as we entered the woods I dispatched my adjutant to ascertain whether the line of skirmishers was kept up on both wings, and finding such was not the case and that I had advanced a little faster than General Milroy's and Colonel Schimelpennig's column, I halted my skirmishers to wait until the line was re-established. However, being informed that General Milroy was advancing, I sent the Fifty-fourth Regiment to take position on my right wing and try to find the lines of Colonel Schimelpennig's skirmishers, and then I advanced together with the former.

Scarcely had the skirmishers passed over two hundred yards when they be-



came engaged with the enemy. For some time the firing was kept up; but our skirmishers had to yield at last to the enemy's advancing column. At this time I ordered my regiments up, and a general engagement ensued. However, I soon noticed that the Fifty-fourth and Fifty-eighth Regiments had to fall back owing to the furious fire of the enemy, who had evidently thrown his forces exclusively upon those two regiments. The Seventy-fifth Regiment Pennsylvania Volunteers, which up to this time had not taken part in this engagement, was at the time the Fifty-eighth and Fifty-fourth retired, now nobly led on by Lieutenant-Colonel Mahler upon the right flank of the enemy, and kept him busy until I had brought the Fifty-eighth at a double quick up to its previous position, when those two regiments successfully drove the enemy before them, thereby gaining the position of the Manassas Gap Railroad.

The Fifty-fourth had meanwhile been ordered by General Schurz to take position with the Twenty-ninth Regiment New York State Volunteers in the interval of my brigade and that of Colonel Schimelpfennig.

At this time I observed on my right the brigade of General Roberts, to whom I explained my position, after which we advanced together a short distance, but he soon withdrew his forces, ascertaining that he got his brigade in between the column of our division. We had occupied the above-named position only a short time when the enemy again tried to force us back, but the noble conduct of my troops did not allow him to carry out his design, and he did not gain one inch of ground. We were thus enabled to secure our wounded and some of our dead, and also some of the enemy's wounded belonging to the Tenth South Carolina Regiment. We held this position until 2 p. m., when we were relieved by a brigade of General Kearney's division, and retired about one-fourth of a mile toward our rear, where we also encamped for the night.

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Report of Colonel Joseph B. Carr, commanding brigade of Brigadier-General Joseph Hooker's division, Heintzelman's corps.

HEADQUARTERS THIRD BRIGADE, HOOKER'S DIVISION,  
CAMP NEAR FORT LYON, VA., September 6, 1862.

\* \* \* \* \*  
At 2 o'clock Friday morning, August 29, I received orders to march at 3 a. m. and support General Kearney, who was in pursuit of the enemy. A march of ten miles brought us to the Bull Run battlefield. About 11 a. m. was ordered in position to support a battery in front of the woods, where the enemy with General Sigle's troops was engaged. Remaining about one hour in that position, was ordered to send into the woods and relieve two regiments of General Sigle's corps, I sent in the Sixth and Seventh New Jersey Volunteers. Afterward received orders to take the balance of the brigade in the woods, which I did at about 2 p. m. Here I at once engaged the enemy, and fought him for a space of two hours, holding my position until our ammunition was all expended. About 1 o'clock we were relieved by General Reno and Colonel Taylor, but did not reach the skirt of the woods before a retreat was made and the woods occupied by the enemy. When I arrived out of the woods I was ordered to march about half a mile to the rear and bivouac for the night.

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Report of Colonel J. W. Revere, Seventh New Jersey Volunteers, Carr's brigade, Hooker's division, Heintzelman's corps.

IN THE FIELD, NEAR CENTREVILLE, VA., August 30, 1862.

SIR: I have the honor to report that this regiment, being ordered into the woods with the Sixth New Jersey Volunteers, proceeding [proceeded] to occupy them, relieving a New York regiment of General Steinwehr's division on the 29th instant at 11 a. m. on the extreme right of the position of our part of the army.

Advancing about fifty yards we encountered the enemy's pickets, and a spirited engagement ensued with varying success; and having been relieved by the timely advance of the Sixth regiment, New Jersey Volunteers, we drove the enemy from his position, but having been strongly re-enforced he regained it about 1 p. m.

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Report of Major F. Blessing, commanding Seventy-fourth Pennsylvania Volunteers, of first brigade, Schurz's division, Sigle's corps.

\* \* \* \* \*  
At 5 o'clock a. m., August 29th, we left this place, meeting our brigade commanded by Colonel A. Schimelpfennig, at 6 o'clock. After a rest of about 15 minutes the regiment was ordered to take its position on the extreme right of the army corps then advancing. Under cover of skirmishers in the front and right flank we advanced in quick time over an open field until we arrived at the center of the woods, where in an opening we halted. The skirmishers met the skirmishing line of the enemy, opened fire, and drove them into the woods. Forced

by the heavy artillery fire of the enemy, we changed several times our positions. From the right flank came the report that a strong column was advancing, but that it was impossible to recognize whether friend or foe. It was afterward ascertained to be General Kearney's corps for our relief. The regiment was then ordered to the left, where it took its position in the general battle-line, after advancing about four hundred yards under the heavy fire of the enemy, driving the latter back and out of his positions, but by the withdrawing of a regiment stationed on the left of the Seventy-fourth the enemy took advantage, and, outflanking us, we were forced back about one hundred yards.

Forming again in column for attack, the regiment advanced in quick time toward the enemy, who gave way until he arrived at the other side of the railroad dam. Here, again flanked by the enemy and under a galling fire of grape-shot and canister, the regiment had to leave its position, which it did by making a flank movement to the left, forcing the enemy to withdraw from the woods. We advanced over our former position, capturing an ambulance with two wounded officers, to the seam of the woods. At this point, a heavy shower of grape-shot and canister pouring into us, we withdrew to the railroad dam. After resting here for about thirty minutes, we were ordered by General Schurz to support a battery on the extreme right, keeping in that position till the battery left. We then again joined our brigade. Wearied and exhausted we camped for the night on the same ground the enemy held the night previous.

Report of Major Steven Kovacs, Fifty-fourth New York Volunteers, Second Brigade, Schurz's division, Sigel's corps.

CAMP NEAR ARLINGTON HEIGHTS, September 12, 1862.

SIR: I have the honor to report that on the 29th of August, 1862, the Fifty-fourth Regiment New York State Volunteers was drawn up in line of battle at 6 o'clock a. m., at Minassias, and ordered for reserve by General Schurz; at 8 o'clock, by his orders, was sent to the woods to drive out the enemy, and found them in large force. The regiment instantly became engaged, and it held the woods in spite of the superior numbers until 1 o'clock, when it was relieved by another regiment. In this engagement the officers and men behaved themselves bravely, especially the second color-bearer, William Rauschmüller, who, seeing his comrade (the first color-bearer) fall, instantly seized the flag and at the same time he cared for his wounded comrade, took him to the rear, and immediately returned again to his proper place. After this the regiment was ordered to fall back to another wood about half a mile distant, with the order to be in column by division, to be ready for any emergency, and the regiment remained under arms all night.

Report of Captain F. Braum, commanding Fifty-eighth New York Volunteers, Second Brigade, Schurz's division, Sigel's corps.

CAMP NEAR ARLINGTON HEIGHTS, September 12, 1862.

The 29th instant the regiment was ordered into action, and marching over a plain ground soon was engaged with the enemy, which had taken position in the woods. The regiment held the enemy in check from 8 o'clock in the morning till 12 o'clock p. m., when the regiment was relieved. The loss of the regiment was twenty-nine in killed, wounded, and missing.

Report of Colonel William Blaisdell, Eleventh Massachusetts Volunteers, Grover's brigade, Hooker's division, Heintzelman's corps.

CAMP NEAR ALEXANDRIA, VA., September 14, 1862.

After supporting several batteries the regiment was ordered to move forward and engage the enemy. At about 3 p. m., advancing about one mile to the edge of a heavy wood, then deploying and moving forward in line of battle until within range of the enemy's pickets, the line was halted, bayonet-fixed. Again moving forward, driving the enemy's pickets before it, the regiment came upon and engaged a heavy line of the enemy's infantry, which was driven back and over a line of railroad, where the road-bed was ten feet high, behind which was posted another heavy line of infantry, which opened a terrific fire upon the regiment as it emerged from the woods. The Eleventh Regiment being the battalion of direction, was the first to reach the railroad, and of course received the heaviest of the fire. This staggered the men a little, but recovering in an instant, they gave a wild hurrah and over they went, mounting the embankment, driving everything before them at the point of the bayonet.

Here, for two or three minutes, the struggle was very severe, the combatants exchanging shots, their muskets almost muzzle to muzzle, and engaging hand to hand in deadly encounter. Private John Sawler, of Company D, stove in the skull of one rebel with the butt of his musket and killed another with his bayo-

net. The enemy broke in confusion and ran, numbers throwing down their muskets, some fully cocked, and the owners too much frightened to fire them, the regiment pursuing them some eighty yards into the woods, where it was met by an overwhelming force in front, at the same time receiving an artillery fire, which enfiladed our left and forced it to retire, leaving the dead and many of the wounded where they fell.

It was near the railroad embankment that the brave Tileston, Stone, and Porter, and other gallant men, received their mortal wounds. Being thus overpowered by numerical odds, after breaking through and scattering two lines of the enemy, and compelled to evacuate the woods and enter into the open fields beyond, the enemy pursuing us hotly to the edge of the woods, I was greatly amazed to find that the regiment had been sent to engage a force of more than five times its numbers, strongly posted in thick woods and behind heavy embankments, and not a soldier to support it in case of disaster. After collecting the regiment together and moving back to our original position we encamped for the night. The officers and men of the regiment fought with the most desperate bravery; not a man flinched, and the losses were proportionately severe. Out of two hundred and eighty-three officers and men who participated in the fight, three officers and seven enlisted men were killed, three officers and seventy-four enlisted men were wounded, and twenty-five missing, making an aggregate of ten killed, seventy-seven wounded, and twenty-five missing, all in the space of fifteen or twenty minutes. The regiment bivouacked on the field.

General R. C. Schenck's report, by Colonel Cheesborough.

WASHINGTON, D. C., *September 17, 1862.*

On Thursday, 20th ultimo, we left Buckland's Mills, passing through Gainesville, and proceeded on the Manassas Junction pike to within some four miles of that place, and then turned eastwardly, marching toward Bull Run. The scouts in advance reported a force of the enemy, consisting of infantry and cavalry in front. We were hurried forward and formed line of battle with our right toward Centreville. Some few shells were thrown into a clump of woods in front where the enemy were last seen, but without eliciting any response. Some two hours elapsed when heavy firing was heard on our left, which we concluded was from McDowell's corps, and the enemy who had worked around from our front in that direction. We were immediately put in motion and marched on the Warrenton road and took position for the night on a hill east of the "stone house," our right resting on the pike.

On Friday morning early the engagement was commenced by General Milroy on our right, in which we soon after took part, and a rapid artillery fire ensued from both sides. For some time heavy columns of the enemy could be seen filing out of a wood in front and gradually falling back. They were within range of our guns, which were turned on them, and must have done some execution. An hour after we received the order to move one brigade by the flank to the left and advance, which was done. We here obtained a good position for artillery, and stationed De Beek's First Ohio Battery, which did excellent service, dismounting one of the enemy's guns, blowing up a caisson and silencing the battery. Unfortunately, however, they were poorly supplied with ammunition, and soon compelled to withdraw.

Our two brigades were now put in motion. General Stahel, commanding first brigade, marching around the right of the hill to a hollow in front, was ordered to draw up in line of battle and halt. Colonel McLean advanced around the left of the hill under cover of the woods, pressing gradually forward until he struck the turnpike at a white house about one-half mile in advance of the stone house. General Milroy's brigade arrived about the same time. We were halted, and sent back for General Stahel, who took the pike and soon joined us. We then formed our line of battle in the woods to the left of the pike, our right resting on the road, and then pushed on slowly. Milroy, in the mean while, had deployed to the right of the road, and soon became engaged with the enemy. Our division was advanced until we reached the edge of the woods and halted.

In front of us was an open space (which also extended to the right of the road and to our right), beyond which was another wood. We remained here nearly an hour, the firing in the mean while becoming heavy on the right. The enemy had a battery very advantageously placed on a high ridge behind the woods in front of Milroy, on the right of the road. It was admirably served and entirely concealed. Our position becoming known their fire was directed toward us. The general determined, therefore, to advance, and so pushed on across the open space in front and took position in the woods beyond. We here discovered that we were on the battle-ground of the night before, and found the hospital of Gibbon's brigade, who had engaged the enemy. The battery of the enemy still continued. We had no artillery. De Beek's and Schürmer's ammunition having given out, and Buell's battery which had reported, after a hot contest with the enemy (who had every advantage in position and range), was compelled to re-

fire. It was now determined to flank the battery and capture it, and for this purpose General Schenck ordered one of his aids to reconnoiter the position. Before he returned, however, we were requested by General Milroy to assist him, as he was very heavily pressed. General Stahel was immediately ordered to proceed with his brigade to Milroy's support.

It was about this time, 1 or 2 o'clock, that a line of skirmishers were observed approaching us from the rear; they proved to be of General Reynolds. We communicated with General Reynolds at once, who took his position on our left, and at General Schenck's suggestion he sent a battery to our right in the woods for the purpose of flanking the enemy. They secured a position and were engaged with him about an hour, but with what result we were not informed. General Reynolds now sent us word that he had discovered the enemy bearing down upon his left in heavy columns, and that he intended to fall back to the first woods behind the cleared space, and had already put his troops in motion. We therefore accommodated ourselves to his movement. It was about this time that your order came to press toward the right. We returned answer that the enemy were in force in front of us, and that we could not do so without leaving the left much exposed. General Schenck again asked for some artillery.

General Stahel's brigade that had been sent to General Milroy's assistance having accomplished its object under a severe fire had returned, and soon after General Stevens reported with two regiments of infantry and a battery of four 20-pound Parrot guns. With these re-enforcements we determined to advance again and reoccupy the woods in front of the cleared space, and communicated this intention to General Reynolds. He, however, had fallen back on our left some distance to the rear; he was therefore requested to make his connection with our left. The Parrots in the meanwhile were placed in position, and under the admirable management of Lieutenant Benjamin did splendidly. Two mountain howitzers also reported, and were placed on our right in the edge of the woods near the road and commenced shelling the woods in front of the open space, which were now occupied by the enemy, our skirmishers having previously fallen back.

The artillery fire now became very severe, and General Schenck was convinced that it was very essential that he should have another battery, and so sent me to you to get one. I arrived to find one, Captain Romer's, just starting. You also directed me to order General Schenck to fall gradually back, as he was too far forward. General Stahel on the left of the pike and Colonel McLean to the left of Stahel. I here state in my report that General Schenck, on receiving these re-enforcements, determined to advance again, and communicated his intention to General Reynolds. I carried this message myself, and, after some difficulty, found General Reynolds and requested him to halt and form on the left of McLean. He had fallen back, however, some distance to the rear of McLean's line of battle, so much so that the enemy's skirmishers had actually flanked us, and in returning to the division I had a narrow escape from being captured.

I also asked General Reynolds to ride forward to meet General Schenck, who had directed me to say that he would be at the extreme left of our line for that purpose. General Reynolds neither gave me any positive answer as to whether he would meet General Schenck or any information as to what he intended to do. I do not know if he complied with the request to make his connection on our left, as, on my return to General Schenck, I was immediately sent to General Sigel to represent our position; and when returning again with the order to General Schenck to retire slowly, I met the command executing the movement.

My report was intended merely as a sketch of our movements for General Sigel's information, and I endeavored throughout to be as concise as possible and confine myself solely to the operations and movements of our division. I now submit the above statement, trusting that the explanations will be satisfactory to General Reynolds.

Report of Major-General S. P. Heintzelman,

ARLINGTON, VA., October 21, 1862.

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At 10 a. m. I reached the field of battle, a mile from Stone Bridge, on the Warrenton turnpike. General Kearney's division had proceeded to the right and front. I learned that General Sigel was in command of the troops then engaged.

At 11 a. m. the head of Hooker's division arrived; General Reno an hour later. At the request of General Sigel I ordered General Hooker to place one of his brigades at General Sigel's disposal to re-enforce a portion of his line then hard pressed. General Grover reported, and before long became engaged, and was afterward supported by the whole division. General Pope arrived between 1 and 2 p. m. The enemy were driven back a short distance toward Sudley's Church, where they made another stand, and again pressed a portion of our line back. All this time General Kearney's division held its position on our extreme right. Several orders were sent to him to advance, but he did not move till after

the troops on his left had been forced back, which was near 6 p. m. He now advanced and reported that he was driving the enemy. This was not, however, until after the renewed heavy musketry fire on our center had driven General Hooker's troops and those he was sent to support back. They were greatly outnumbered and behaved with exceeding gallantry.

It was on this occasion that General Grover's brigade made the most gallant and determined bayonet charge of the war. He broke two of the enemy's lines, but was finally repulsed by the overwhelming numbers in the rebel third line. It was a hand-to-hand conflict, using the bayonet and the butt of the musket. In this fierce encounter, of not over 20 minutes' duration, the Second New Hampshire, Colonel Marston, suffered the most. The First, Eleventh, and Sixteenth Massachusetts, and Twenty-sixth Pennsylvania were engaged. The loss of this brigade, numbering less than 2,000, was a total of 481, nearly all killed and wounded. I refer you to General Grover's accompanying report.

Had General Kearney pushed the enemy earlier it might have enabled us to have held our center and have saved some of this heavy loss. Kearney on the right, with General Stevens and our artillery, drove the enemy out of the woods they had temporarily occupied. The firing continued some time after dark, and when it ceased we remained in possession of the battlefield.

#### THIS DAY MUST NOT BE CONFUSED.

These all speak of the 29th, not confused with the 30th, for the 30th is in a separate part of the reports.

Lieutenant-Colonel Sewell, commander Fifth New Jersey, reports that on the 29th of August—

I was soon obliged to relieve my right wing with my left, the former having emptied their cartridge boxes.

His command had emptied their cartridge boxes and one wing had to be relieved by the other for that reason.

Captain Weidrick, commanding Battery I, New York Artillery, reports in action from 10 o'clock, 29th, until 3 o'clock, when they had to retire on account of loss of ammunition.

Captain Dilger, commanding battery, reports his battery engaged until his ammunition was expended and his battery relieved by another.

Colonel Thompson, One hundred and fifteenth Pennsylvania, reports continuous fighting until his command was relieved by fresh troops, sustaining heavy loss.

Colonel G. C. Burling, Sixth New Jersey, was engaged until relieved by fresh troops. His loss was severe.

Now, Mr. President, I will not enumber the RECORD by reading further from the testimony of Union officers, though I might present much more sustaining the very same facts, that the battle was not a skirmish but it was a battle raging and furious from early morning—from 8 o'clock. At intervals, perhaps, there was a silence, as there always is in a battle, but it continued until 9 o'clock at night.

#### NEW EVIDENCE FURNISHED BY CONFEDERATE OFFICERS.

Fitz-John Porter says he found new evidence. What new evidence? The new evidence is produced by statements from officers of the confederate army for the purpose of showing that on that day he was not required to fight because there was no battle. Now let us see if he or those who defend him are sustained in that statement, and we need not guess at it, because I will read from the very reports themselves what they say in reference to the battle of the 29th of August.

#### THE REPORTS HAVE NOT BEEN CONFUSED.

I now call attention to the report of General T. J. Jackson, who commanded the rebel forces on that day, and mark the language of the board that the reports have been confused. Let me read and see where the confusion is. General Jackson, in making his report April

27, 1863, or rather made, from the records he left, by his adjutant-general, says:

My troops on this day (29th) were distributed along and in the vicinity of the cut of an unfinished railroad (intended as a part of the track to connect the Manassas road directly with Alexandria) stretching from the Warrenton turnpike in the direction of Sudley Mill. It was mainly along the excavation of this unfinished road that my line of battle was formed on the 29th [August].

There is the line formed on the 29th. Now let us see what he says about the battle:

Assault after assault was made on the left, exhibiting on the part of the enemy great pertinacity and determination, but every advance was most successfully and gallantly driven back. General Hill reports that six separate and distinct assaults were thus met and repulsed by his division, assisted by Hays's brigade, Colonel Forno commanding. By this time the brigade of General Gregg, which, from its position on the extreme left, was most exposed to the enemy's attack, had nearly expended its ammunition. It had suffered severely in its men, and all its field officers except two were killed or wounded.

ALL THE FIELD OFFICERS EXCEPT TWO WERE KILLED.

There of a whole brigade all the field officers except two were killed in what this board calls a skirmish:

It had suffered severely in its men, and all its field officers except two were killed or wounded. About 4 o'clock it had been assisted by Hays's brigade (Colonel Forno). It was now retired to the rear to take some repose after seven hours of severe service.

After seven hours of severe contest it was relieved because the men were exhausted, and that is a skirmish according to this board!

And General Early's brigade, of Ewell's division, with the Eighth Louisiana Regiment, took its place.

On reaching his position, General Early found that the enemy had obtained possession of the railroad and a piece of wood in front, there being at this point a deep cut which furnished a strong defense. Moving through a field he advanced upon the enemy, drove them from the wood and railroad cut with great slaughter, and followed in pursuit some two hundred yards.

They were driven back with great slaughter.

Early kept his position there until the following morning.

Now, to show that this was on the 29th let us see what he says in the conclusion of this report:

At a later period Major Patrick, of the cavalry, who was by General Stuart intrusted with guarding the train, was attacked, and, although it was promptly and effectually repulsed, it was not without the loss of that intrepid officer, who fell in the attack while setting an example of gallantry to his men well worthy of imitation. During the day the commanding general arrived, and also General Longstreet with his command.

LEE AND LONGSTREET ON THE GROUND.

During what day? The 29th. Longstreet and Lee and all these officers report that they came on the ground on the 29th. They passed through Thoroughfare Gap and Gainesville on the morning of the 29th and came to the field by 12 o'clock of the 29th. Here is the report of Jackson himself, showing that this battle was fought on the day that Longstreet and Lee came on the ground; and yet we are told that this was the 30th that is spoken of, and not the 29th.

Mr. SEWELL. The Senator from Illinois makes a mistake, which is made frequently, between the 29th and 30th. The fighting referred to in all the reports quoted by the Senator from Illinois was entirely on the 29th. The battle of the 30th Longstreet did not take part in. The fight of the 29th was with Jackson's command.

GENERAL WILCOX SAYS THERE WAS A FIGHT.

Mr. LOGAN. When I come to that point I will show not only that

he did take part on the 29th, but I will show that the majority of his command was in that battle of the 29th. One of the very generals who commanded a division that fought at Groveton that day under Longstreet is here now, an officer of this Senate, and will tell the Senator so—General Wilcox.

Mr. SEWELL. I will state to the Senator from Illinois that if he succeeds in proving that, he will place the commanding general in a very bad plight.

Mr. LOGAN. I will succeed in proving it. I will prove it by the report of General Wilcox; I will prove it by General Lee; I will prove it by General Longstreet, and if the Senator is not satisfied he can step out into the Sergeant-at-Arms's room and ask General Wilcox, and he will tell the Senator the same story. I talked with him this morning, and he told me he fought his division at Groveton on the 29th and staid there until 11 o'clock at night.

Mr. SEWELL. There is no question that Longstreet was there on the 29th.

Mr. LOGAN. He was in the fight.

Mr. SEWELL. That has been denied by General Pope always.

Mr. LOGAN. It makes no difference who denies it; I am talking about the facts. It is very strange, as I said, that all the time it is a trial of Pope and not of Porter.

Mr. SEWELL. It ought to be.

Mr. LOGAN. Well, I will make it a trial of Porter, and I will have this country understand, too, that it is Porter who is on trial for disobedience of orders. When the others are to be tried we will discuss them. In General Longstreet's testimony is where he makes a mistake. He says he does not remember distinctly, but makes a statement that Wilcox was thrown over by Jones's command at 4 o'clock in the afternoon to support him against Porter, when the fact is that late in the afternoon General Wilcox with several brigades besides his own were thrown over in the direction of Groveton and went into the battle at Groveton, and staid there until 11 o'clock at night and moved back at 11 o'clock to his position upon the Warrenton turnpike, not in front of Porter, but he came in to the rear of Hood near the Warrenton pike.

#### REPORT OF GENERAL A. P. HILL.

Now let me call attention to the report of General A. P. Hill, who was in that battle on the day of the 29th. See what he says about it:

The evident intention of the enemy this day was to turn our left and overwhelm Jackson's corps before Longstreet came up.

The evident intention of the enemy, speaking of Pope's forces, was to do what? To turn Jackson's left and overwhelm him before Longstreet could arrive. That is what General Hill of the confederate army says:

And to accomplish this, the most persistent and furious onsets were made by column after column of infantry, accompanied by numerous batteries of artillery.

And that is a "skirmish!" an attempt to overwhelm Jackson's forces by turning his flank when the most furious onsets were made, this man says, by infantry and artillery, to do this before Longstreet could arrive on the ground; and yet there was no battle fought until at 6 o'clock, according to this board, when a division was engaged!

The enemy prepared for a last and determined attempt. Their serried masses, overwhelming superiority of numbers, and bold bearing, made the chance of victory to tremble in the balance; my own division exhausted—

### A. P. Hill's division exhausted—

by seven hours' unremitted fighting, hardly one round per man remaining, and weakened in all things save its unconquerable spirit. Casting about for help, fortunately it was here reported to me that the brigades of Generals Lawton and Early were near by, and sending for them they promptly moved to my front at the most opportune moment, and this last charge met the same disastrous fate that had befallen those preceding. Having received an order from General Jackson to endeavor to avoid a general engagement, my commanders of brigades contented themselves with repulsing the enemy and following them up but a few hundred yards.

#### MOST FURIOUS ONSLAUGHTS ON HIS COMMAND.

General A. P. Hill does not speak of it as a skirmish, does not speak of it as a duel between a couple of batteries, but the most furious onslaughts on his command, by what? By both infantry and artillery, and his command exhausted their ammunition, and another division had to come up and take their place in order to save them from disaster; and this was a skirmish according to this board!

General Early reports the same thing in his report on the 29th of August, the time that he took his position, the time he was engaged, and reports it as a severe battle, and then goes on with what took place in the after part of the battle of the 30th. So Talliaferro and so General Hood. Now, I want the Senator from New Jersey to listen to this. If he will examine the reports of the confederates that day, and I have them here, he will find that Hood's force was a part of Longstreet's command. Now, what does Hood say? Speaking of the battle of the 29th, he says:

'About 4 o'clock in the afternoon the enemy made a fierce attack upon General Jackson, his noble troops holding their ground with their usual gallantry.

At sunset an order came to me from the commanding general to move forward and attack the enemy. Before, however, this division could come to attention they were attacked, and I instantly ordered the two brigades to move forward and charge the enemy, which they did most gallantly, driving them in confusion in front of them. Colonel Law's brigade, being engaged with a very heavy force of the enemy, captured one piece of artillery, three stand of colors, and one hundred prisoners, and the Texas brigade three stand of colors. It soon became so very dark that it was impossible to pursue the enemy any farther. At 12 o'clock at night orders came to retake our position on the right of General Jackson.

There was one of the divisions that General Longstreet had General Wilcox to support in the attack at Groveton, that gentlemen who argue this question on the Porter side have in front of Porter at 4 and 5 o'clock in the evening, and still deny that any of Longstreet's troops were engaged, but were all threatening Porter. And yet he says at 12 o'clock at night he was ordered to retake his former position. He staid there by Groveton. The man referred to, D. R. Jones, who was not in that fight, his report shows his position above Hampton Cole's house to the right of the Manassas Gap Railroad supporting the cavalry on that road, and they were the only troops that were anywhere near Porter that day.

#### WHAT GENERAL WILCOX SAID.

Let us see what General C. M. Wilcox, of General Longstreet's command, said. It might be well enough for some Senators who dispute this to talk with him and see whether he states the truth or not:

Pursuing our line of march, together with the division, we passed by Gainesville, and advancing some three miles beyond, my three brigades were formed in line of battle on the left and at right angles to the turnpike. Having advanced near three-quarters of a mile, we were then halted. The enemy was in our front and not far distant. Several of our batteries were placed in position on a commanding eminence to the left of the turnpike. A cannonading ensued and continued for an hour or two, to which the enemy's artillery replied.

At half past 4 or 5 p. m. the three brigades were moved across to the right of



the turnpike, a mile or more, to the Manassas Gap Railroad. While here musketry was heard to our left, on the turnpike. This firing continued, with more or less vivacity, until sundown. Now the command was ordered back to the turnpike, and forward on this to the support of General Hood, who had become engaged with the enemy, and had driven him back some distance, inflicting severe loss upon him, being checked in his successes by the darkness of the night.

After reaching General Hood's position but little musketry was heard. All soon became quiet. Our pickets were thrown out to the front. The enemy's camp fires soon became visible, extending far off to our left, front, and right. Remaining in this position until 12 o'clock at night, the troops were withdrawn three-quarters of a mile to the rear and bivouacked, pickets being left to guard our front.

Thus he shows that they staid there until 12 o'clock at night, when they moved back to their position; so that by 4 o'clock all the troops that were on the right of Longstreet were turned back on to Groveton and engaged there at Groveton, and staid there until 11 or 12 o'clock at night, leaving nothing but Jones's brigade in the direction of Porter.

#### REPORTS OF LONGSTREET'S OFFICERS AND OTHERS.

I will not take up time to read these reports, there are so many of them, but I will incorporate them in my remarks, so as to show that I am sustained by the testimony that Mr. Porter relies on to vindicate him, by those that I have read, by General Thomas, by General McGowan, Colonel Law, Colonel Walton, Colonel Walker, General Evans, and General Lee's and General Longstreet's reports in reference to the battle of the 29th of August, 1862.

Report of Colonel Edward L. Thomas, commanding second brigade, A. P. Hill's division, Jackson's command.

#### HEADQUARTERS THIRD BRIGADE, LIGHT DIVISION.

*October 26, 1862.*

\* \* \* \* \*  
On Thursday, August 28, near Sudley Ford, this brigade was held in reserve by order of General Hill: was under fire, but took no active part, and after the enemy gave way, moved forward and bivouacked for the night on the field. Early on Friday, August 29, the march was resumed with directions to be prepared for an attack near the railroad. General Gregg's brigade meeting the enemy there, this brigade advanced to his right, the regiments being thrown in successively until all became engaged. The enemy were in strong position on the railroad.

We at once advanced and drove them from it. This position we were ordered to hold, and, if possible, avoid bringing on a general engagement, and held it against several attacks of the enemy in strong force during the day. In the afternoon an overwhelming force attacked us, now almost without ammunition, in front and on the left flanks, and forced us back a short distance, when General Pender's brigade advanced promptly and in fine order to the assistance of the third, most of which joined General Pender, and together they drove back the enemy some distance beyond our previous position, which was held until night, the brigade bivouacking on the field.

—  
Report of Brigadier-General S. McGowan.

#### HEADQUARTERS SECOND BRIGADE,

A. P. HILL'S LIGHT DIVISION, SECOND ARMY CORPS.

*Camp Gregg, Va., February 9, 1863.*

\* \* \* \* \*  
Friday, the 29th, was the glorious but bloody day for the brigade. It may be allowed for us to claim that by holding the left steady on Friday we contributed to the success of the great battle on Saturday. The distinguished brigadier-general who commanded, and was present everywhere during the day and exerting himself to the utmost, was himself spared, only to fall upon another victorious field (Fredericksburgh), but many of our noblest and best officers and men fell there. The aggregate of the killed and wounded of the brigade in this battle was six hundred and thirteen (613).

## Report of Brigadier-General N. G. Evans, Longstreet's command.

HEADQUARTERS EVANS'S BRIGADE,  
Near Winchester, Va., October 13, 1862.

On the evening of the 29th of August the brigade engaged the skirmishers of the enemy in considerable force on the south side of the road near Groveton, and rendered efficient co-operation to the commands of General Wilcox on the left and General Hood on the right in driving the enemy from his position. The enemy falling back, and the darkness of the night concealing his movements, I formed my brigade in the camp of the enemy, until ordered to fall back by the major-general commanding. Leaving a strong picket in my front, I withdrew about a mile to the rear.

## Report of Lieutenant-Colonel R. L. Walker.

HEADQUARTERS ARTILLERY BATTALION, March 1, 1863.

On Friday the 29th of August the batteries were placed in position on the ridge in rear and to the left of General A. P. Hill's division. Captain Braxton's battery was engaged early in the forenoon on the extreme left, with the loss of some of his horses. Upon the cessation of the enemy's fire ours ceased also. In the afternoon a section of Captain Pegram's battery hotly engaged the enemy on the right. His position was in rear of General Field's and Gregg's brigades. The loss of this section was very heavy, and the fire continuing with unremitted severity, it was withdrawn. Captain Braxton was then ordered to the position, and, with five guns, held it, with loss, under a terrible fire, until night closed in upon the field. Captain Crenshaw's battery was also engaged during the day from a point in rear of General Pender's brigade.

## Report of Colonel J. B. Walton, of Longstreet's command, of second battle of Manassas.

HEADQUARTERS BATTALION WASHINGTON ARTILLERY,  
November 30, 1862.

On the 29th August, 1862, the four batteries composing the battalion were assigned and served as follows: The fourth company, consisting of two six-pound bronze guns and two twelve-pound howitzers, under Captain D. F. Eshlen and Lieutenants Norcom, Battles, and Apps, with Pickett's brigade; the second company, with two six-pound bronze guns and two twelve-pound howitzers, under Captain Richardson, Lieutenants Hawes, De Russey, and Britton, with Toombs's brigade; the first company, with three three-inch rifle-guns, under Captain C. W. Squiers, Lieutenants E. Owens, Galbraith, and Brown, and the third company, with four light twelve-pound guns, Napoleon, under Captain M. B. Miller, Lieutenants McElroy and Hero, in reserve.

About noon on the 29th, the two batteries in reserve having halted near the village of Gainesville, on the Warrenton and Centreville turnpike, were ordered forward by General Longstreet, to engage the enemy then in our front, and near the village of Groveton. Captains Miller and Squiers at once proceeded to the position indicated by the general and opened fire upon the enemy's batteries. Immediately in Captain Miller's front he discovered a battery of the enemy, distant about 1,200 yards. Beyond this battery, and on a more elevated position, were posted the enemy's rifle batteries. He opened upon the battery nearest him, and, after a spirited engagement of three-quarters of an hour, completely silenced it and compelled it to leave the field. He then turned his attention to the enemy's rifle batteries, and engaged them until, having exhausted his ammunition, he retired from the field.

Captain Squiers, on reaching his position on the left of Captain Miller's battery, at once opened, with his usual accuracy, upon the enemy's batteries. Unfortunately, after the first fire, one of his guns, having become disabled by the blowing out of the bushing of the vent, was sent from the field. Captain Squiers then placed the remaining section of his battery under command of Lieutenant Owen, and rode to the left to place additional guns that had been sent forward to his assistance in position. At this time the enemy's infantry were engaged with the forces on the left of the position occupied by our batteries, and while the enemy retreated in confusion before the charge of our veterans the section under Lieutenant Owen poured a destructive fire into their affrighted ranks. Scores were seen to fall.

## Report of Major B. W. Frobel, chief of artillery of Hood's division, Longstreet's command, of second battle of Manassas.

CAMP NEAR FREDERICK, MD., September 9, 1862.

At 11 a. m. on Friday I was ordered by General Hood to proceed to the right of

the turnpike road and report to General Stuart. This I did, with Captain Bachman's battery, Reilly being already in position on the left, and Garden having no long-range pieces. General Stuart had selected a position near the Orange and Alexandria Railroad. The battery was brought up and immediately opened with marked effect on a column of the enemy moving to the right, which at once changed direction, moving rapidly to the left. Fifteen rounds were fired, when the distance being greatly increased, I ordered Captain Bachman to cease firing. At 1 o'clock p. m. Captain Reilly was ordered to the left of the turnpike and to take position with other batteries on a hill commanding the hills near Groveton House.

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Report of Colonel E. M. Law, of Hood's division, Longstreet's command, of second battle of Manassas.

HEADQUARTERS THIRD BRIGADE, *September 10, 1862.*

Leaving Thoroughfare Gap at sunrise on the 29th the brigade marched in the direction of Manassas Junction. At Gainesville, on the Warrenton turnpike, the line of march changed abruptly to the left along the turnpike in the direction of Centreville. On arriving about midway between Gainesville and the stone house, which is situated at the junction of the turnpike and the Sudley Ford road, I was ordered by Brigadier-General Hood, commanding the division, to form the brigade in line of battle to the left of the turnpike and almost at right angles with it, the right resting on the road and the left connecting with General Jackson's line.

The opposing force of the enemy, as I learned from captured officers, consisted of General King's division of four brigades and a battery of howitzers. One piece was captured and about a hundred prisoners. Among the prisoners were Captain Judson, assistant adjutant-general to general Hatch, and Captain Garish, of the battery.

During the night of the 29th, under orders from General Hood, I resumed the position to the rear of Groveton which I had occupied in the morning.

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Report of Brigadier-General J. B. Hood of operations of his division, Longstreet's command, from Freeman's Ford.

DIVISION HEADQUARTERS, *September 27, 1862.*

On arriving at Thoroughfare Gap, the enemy were drawn up in line to dispute our passage. After a spirited little engagement with them by General D. R. Jones's troops, on the evening of the 25th instant, our forces were able to bivouac for the night beyond the gap. The next morning, at daylight, the march was again resumed, with this division in the advance. Lieutenant-Colonel Upton, of the Fifth Texas, in command of a party of select Texan riflemen, constituting the advance guard.

Coming up with the rear-guard of the enemy before sunrise, this gallant and distinguished officer drove them before him so rapidly that halts would have to be made for the troops in rear to rest. Early in the day we came up with the main body of the enemy on the plains of Manassas, engaging General Jackson's forces. Disposition of the troops being made, the Texas brigade advanced in line of battle down and on the immediate right of the pike leading to the stone bridge, and Colonel Law's brigade on the left. Arriving on a line with the line of battle established by General Jackson, the division was halted by order of the general commanding.

About 4 o'clock in the afternoon the enemy made a fierce attack upon General Jackson, his noble troops holding their ground with their usual gallantry.

At sunset an order came to me from the commanding general to move forward and attack the enemy. Before, however, this division could come to attention they were attacked, and I instantly ordered the two brigades to move forward and charge the enemy, which they did most gallantly, driving them in confusion in front of them. Colonel Law's brigade, being engaged with a very heavy force of the enemy, captured one piece of artillery, three stand of colors, and one hundred prisoners, and the Texas brigade three stand of colors. It soon became so very dark that it was impossible to pursue the enemy any further. At 12 o'clock at night orders came to retake our position on the right of General Jackson.

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Report of Major-General Stuart of operations immediately preceding and including the battle of Groveton.

HEADQUARTERS STUART'S CAVALRY DIVISION,  
ARMY OF NORTHERN VIRGINIA,  
*February 25, 1863.*

The next morning, 29th, in pursuance of General Jackson's wishes, I set out

again to endeavor to establish communication with Longstreet, from whom he had received a favorable report the night before. Just after leaving the Sudley road my party was fired on from the wood bordering the road, which was in rear of Jackson's lines, and which the enemy had penetrated with a small force it was afterward ascertained, and captured some stragglers. They were between General Jackson and his baggage at Sudley.

I immediately sent to Major Patrick, whose six companies of cavalry were near Sudley, to interpose in defense of the baggage, and use all the means at hand for its protection, and order the baggage at once to start for Aldie. General Jackson, also, being notified of this movement in his rear, sent back infantry to close the woods. Captain Pelham, always at the right place at the right time, unlimbered his battery, and soon dispersed that portion in the woods. Major Patrick was attacked later, but he repulsed the enemy with considerable loss, though not without loss to us, for the gallant Major himself, setting the example to his men, was mortally wounded. He lived long enough to witness the triumph of our arms, and expired thus in the arms of victory. The sacrifice was noble, but the loss to us irreparable.

I met with the head of General Longstreet's column between Haymarket and Gainesville, and there communicated to the commanding general General Jackson's position and the enemy's. I then passed the cavalry through the column so as to place it on Longstreet's right flank, and advanced directly toward Manassas, while the column kept directly down the pike to join General Jackson's right. I selected a fine position for a battery on the right, and one having been sent to me, I fired a few shots at the enemy's supposed position, which induced him to shift his position. General Robertson, who with his command was sent to reconnoiter farther down the road toward Manassas, reported the enemy in his front. Upon repairing to that front, I found that Rosser's regiment was engaged with the enemy to the left of the road, and Robertson's videttes had found the enemy approaching from the direction of Bristoe Station toward Sudley.

The prolongation of his line of march would have passed through my position, which was a very fine one for artillery as well as observation, and struck Longstreet in flank. I waited his approach long enough to ascertain that there was at least an army corps, *at the same time keeping detachments of cavalry dragging brush down the road from the direction of Gainesville, so as to deceive the enemy (a ruse which Porter's report shows was successful), and notified the commanding general, then opposite me on the turnpike, that Longstreet's flank and rear were seriously threatened and of the importance to us of the ridge I then held. Immediately upon the receipt of that intelligence Jenkins's, Kemper's, and D. R. Jones's brigades and several pieces of artillery were ordered to me by General Longstreet, and, being placed in position fronting Bristoe, awaited the enemy's advance.*

After exchanging a few shots with rifle pieces this corps withdrew toward Manassas, leaving artillery and supports to hold the position till night. Brigadier-General Fitz Lee returned to the vicinity of Sudley, after a successful expedition, of which his official report has not been received, and was instructed to co-operate with Jackson's left. Late in the afternoon the artillery on this commanding ridge was, to an important degree, auxiliary to the attack upon the enemy, and Jenkins's brigade repulsed the enemy in handsome style at one volley as they advanced across the cornfield. Thus the day ended, our lines having considerably advanced.

General Longstreet, in his report, says:

HEADQUARTERS NEAR WINCHESTER, VA., October 10, 1862.

\* \* \* \* \*

Early on the 29th (August) the columns were united, and the advance to join General Jackson was resumed. The noise of battle was heard before we reached Gainesville. The march was quickened to the extent of our capacity. The excitement of battle seemed to give new life and strength to our jaded men, and the head of my column soon reached a position in rear of the enemy's left flank and within easy cannon-shot.

On approaching the field some of Brigadier-General Hood's batteries were ordered into position, and his division was deployed on the right and left of the turnpike, at right angles with it, and supported by Brigadier-General Evans's brigade. Before these batteries could open the enemy discovered our movements and withdrew his left. Another battery (Captain Stribling's) was placed upon a commanding position to my right, which played upon the rear of the enemy's left and drove him entirely from that part of the field. He changed his front rapidly, so as to meet the advance of Hood and Evans.

Three brigades, under General Wilcox, were thrown forward to the support of the left, and three others, under General Kemper, to the support of the right of these commands. General D. R. Jones's division was placed upon the Manassas Gap Railroad—

## ONLY CAVALRY, BRUSH, AND DUST.

Not on this road [indicating] that Porter was on, but the Manassas Gap Railroad. That is where these three brigades were ordered that are mentioned in Stuart's report, so that only cavalry, brush, and dust are all that have yet appeared on Porter's road—

upon the Manassas Gap Railroad, to the right and in echelon with regard to the three last brigades. Colonel Walton placed his batteries in a commanding position between my line and that of General Jackson, and engaged the enemy for several hours in a severe and successful artillery duel. At a late hour in the day Major-General Stuart reported the approach of the enemy in heavy columns against my extreme right. I withdrew General Wilcox with his three brigades from the left, and placed his command in position to support Jones in case of an attack against my right. After some few shots the enemy withdrew his forces, moving them around toward his front, and about to clock in the afternoon began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former position, and Hood's two brigades, supported by Evans, were quickly pressed forward to the attack. At the same time Wilcox's three brigades made a like advance, as also Hutton's brigade of Kemper's command.

These movements were executed with commendable zeal and ability. Hood, supported by Evans, made a gallant attack, driving the enemy back till 9 o'clock at night. One piece of artillery, several regimental standards, and a number of prisoners were taken. The enemy's entire force was found to be massed directly in my front, and in so strong a position that it was not deemed advisable to move on against his immediate front; so the troops were quietly withdrawn at 1 o'clock the following morning. The wheels of the captured piece were cut down, and it was left on the ground. The enemy seized that opportunity to claim a victory, and the Federal commander was so impudent as to dispatch his Government by telegraph tidings to that effect. After withdrawing from the attack my troops were placed in the line first occupied, and in the original order.

I now desire to call attention to the report of General Robert E. Lee of the first day, second Bull Run, August 29, 1862. It is as follows:

The next morning, the 29th, the enemy had taken a position to interpose his army between General Jackson and Alexandria, and about 10 a. m. opened with artillery upon the right of Jackson's line. The troops of the latter were disposed in rear of Groveton, along the line of the unfinished branch of the Manassas Gap Railroad, and extended from a point a short distance west of the turnpike toward Sudley Mill, Jackson's division, under Brigadier-General Starke, being on the right; Ewell's, under General Lawton, in the center, and A. P. Hill on the left. The Federal Army was evidently concentrating upon Jackson, with the design of overwhelming him before the arrival of Longstreet. The latter officer left his position, opposite Warrenton Springs, on the 26th, being relieved by General R. H. Anderson's division, and marched to join Jackson. He crossed at Kinson's (Hinson's) Mill in the afternoon and encamped near Orlean that night. The next day he reached the White Plains, his march being retarded by the want of cavalry to ascertain the meaning of certain movements of the enemy from the direction of Warrenton, who seemed to menace the right of his column.

On the 28th, arriving at Thoroughfare Gap, he found the enemy prepared to dispute his progress. General D. R. Jones's division being ordered to force the passage of the mountain, quickly dislodged the enemy's sharpshooters from the trees and rocks and advanced into the gorge. The enemy held the eastern extremity of the pass in large force, and directed a heavy fire of artillery upon the road leading through it and upon the sides of the mountain. The ground occupied by Jones afforded no opportunity for the employment of artillery. Hood, with two brigades, and Wilcox, with three, were ordered to turn the enemy's right—the former moving over the mountain by a narrow path to the left of the pass, and the latter farther to the north, by Hopewell Pass.

Before these troops reached their destination the enemy advanced and attacked Jones's left, under Brigadier-General G. T. Anderson. Being vigorously repulsed he withdrew to his position at the eastern end of the gap, from which he kept up an active fire of artillery until dark, and then retreated. Generals Jones and Wilcox bivouacked that night east of the mountain, and on the morning of the 29th the whole command resumed the march, the sound of cannon at Manassas announcing that Jackson was already engaged. Longstreet entered the turnpike near Gainesville, and moving down toward Groveton the head of his column came upon the field in rear of the enemy's left, which had already opened with artillery upon Jackson's right, as previously described. He immediately placed some of his batteries in position, but before he could complete his dispositions to attack, the enemy withdrew, not, however, without loss from our artillery.

Longstreet took possession (position?) on the right of Jackson, Hood's two brigades, supported by Evans, being deployed across the turnpike and at right angles to it. These troops were supported on the left by three brigades under General Wilcox, and by a like force on the right under General Kemper. D. R. Jones's division formed the extreme right of the line, resting on the Manassas Gap Railroad. The cavalry guarded our right and left flanks, that on the right being under General Stuart in person. After the arrival of Longstreet, the enemy changed his position, and began to concentrate opposite Jackson's left, opening a brisk artillery fire, which was responded to with effect by some of General A. P. Hill's batteries.

Colonel Walton placed a part of his artillery upon a commanding position between Generals Jackson and Longstreet, by order of the latter, and engaged the enemy vigorously for several hours. Soon afterward General Stuart reported the approach of a large force from the direction of Bristoe Station, threatening Longstreet's right. The brigades under General Wilcox were sent to reinforce General Jones, but no serious attack was made, and after firing a few shots the enemy withdrew. While this demonstration was being made on our right a large force advanced to assail the left of General Jackson's position, occupied by the division of General A. P. Hill. The attack was received by his troops with their accustomed steadiness, and the battle raged with great fury.

The enemy was repeatedly repulsed, but again pressed on the attack with fresh troops. Once he succeeded in penetrating an interval between General Gregg's brigade, on the extreme left, and that of General Thomas, but was quickly driven back with great slaughter by the Fourteenth South Carolina Regiment, then in reserve, and the Forty-ninth Georgia, of Thomas's brigade. The contest was close and obstinate; the combatants sometimes delivered their fire at ten paces. General Gregg, who was most exposed, was re-enforced by Hays's brigade, under General Forno, and successfully and gallantly resisted the attack of the enemy until the ammunition of his brigade being exhausted and all its field officers but two killed or wounded, it was relieved, after several hours of severe fighting, by Early's brigade and the Eighth Louisiana Regiment.

General Early drove the enemy back with heavy loss, and pursued about two hundred yards beyond the line of battle, when he was recalled to the position on the railroad, where Thomas, Pender, and Archer had firmly held their ground against every attack. While the battle was raging on Jackson's left, General Longstreet ordered Hood and Evans to advance; but before the order could be obeyed Hood was himself attacked, and his command became at once warmly engaged. General Wilcox was recalled from the right and ordered to advance on Hood's left, and one of Kemper's brigades, under Colonel Hutton, moved forward on his right. The enemy was repulsed by Hood after a severe contest, and fell back, closely followed by our troops. The battle continued until 9 p. m., the enemy retreating until he had reached a strong position, which he held with a large force. The darkness of the night put a stop to the engagement, and our troops remained in their advanced position until early next morning, when they were withdrawn to their first line. One piece of artillery, several stands of colors, and a number of prisoners were captured. Our loss was severe in this engagement. Brigadier-Generals Field and Trimble and Colonel Forno, commanding Hays's brigade, were severely wounded, and several other valuable officers killed or disabled, whose names are mentioned in the accompanying reports.

#### NUMBER OF LONG-STREET'S TROOPS ENGAGED IN THE BATTLE.

The following troops belonged to Longstreet's corps on the 29th, according to Longstreet's evidence: General Wilcox (Wilcox's brigade, Featherstone's brigade, Pryor's brigade), 6,300 men; General Hood (Texas brigade, Laws's brigade, Evans's brigade), 6,300 men; General Kemper (Kemper's brigade, Pickett's brigade, Jenkins's brigade), 6,100 men; General D. R. Jones (G. T. Anderson's brigade, Drayton's brigade, Toombs's brigade), 6,300 men; total number, 25,000.

Now let us see how many of these were engaged in the battle of the 29th.

Longstreet in his report puts Wilcox in support of Hood; two brigades were pressed forward, supported by Evans's brigade, also Hutton's or Kemper's division; that would make seven brigades of Longstreet's command that were put in action near Groveton at 4 o'clock. According to Longstreet's report and evidence (board record, page 128) his brigades averaged over 2,000 men each. If his statement in his report and evidence be true, there were 14,000 of his command engaged near Groveton from 4 o'clock until the battle ceased, and there they remained, as they

testify, until 12 o'clock at night, his full strength being 25,000; take the 11,000 moved to Groveton at 4 o'clock, would leave 11,000 men whose flank was exposed to Porter during this time. From 4 o'clock p. m. Porter had a larger force than Longstreet's reserve, and the defenders of Porter insist that all of Longstreet's forces were opposing him, and persistently insist that none of Longstreet's forces were in the battle of the 29th of August, 1862.

#### DID PORTER DISOBEY ORDERS?

Admitting it established that there was a battle on the 29th of August, 1862, the next proposition is, if there was a battle, did General Porter receive the orders and did he disobey those orders or either of them? I propose now to examine that part of the case. I desire first to call the attention of the Senate to the time of his arrival at the starting point, Bristoe Station, on the 28th of August, 1862. He arrived at Bristoe Station, according to the evidence, at 9 o'clock and 20 minutes. Just ten minutes after that he performed one act. What was it? In his own letter, which he dates Bristoe Station, 9.30 a. m., directed to General Burnside, he says:

BRISTOE, 9.30 a. m., August 28, 1862.

General BURNSIDE, *Fidmouth*:

My command will soon be up, and will at once go into position. Hooker drove Ewell some three miles, and Pope says McDowell intercepted Longstreet, so that without a long detour he can not join Ewell, Jackson, and A. P. Hill, who are, or supposed to be, at Manassas. Ewell's train, he says, took the road to Gainesville, where McDowell is coming from. We shall be to-day as follows: I on the right of railroad, Heintzelman on left, then Reno, then McDowell. He hopes to get Ewell and push to Manassas to-day.

I hope all goes well near Washington. I think there need be no cause of fear for us. I feel as if on my own way now, and thus far have kept my command and trains well up. More supplies than I supposed on hand have been brought, but none to spare, and we must make connection soon. I hope for the best, and my lucky star is always up about my birthday, the 31st, and hope Me's is up also. You will hear of us soon by way of Alexandria.

Ever yours,

F. J. P.

#### THE FIRST ACT HE PERFORMED.

The first act he performed after arriving at Warrenton Junction was to write letters to General Burnside, criticising General Pope. The first act within ten minutes after he arrived at Bristoe Station, according to the time given of his arrival, and the date given to his own note, was to criticise Pope again, and to say he was on his way to glory; I suppose he meant it being near his birthday, and he hoped "Me's star" was up too. What does he mean by "Me's star" being up too? "Me" had been relieved from his command of the army. Pope had been put in command in his stead. The determination was to get Pope out of that command and put "Me" back in the command, which was to be the result of the misfortune of the second battle of Bull Run. This is, in my judgment, what Fitz-John Porter meant at that time.

#### ALEXANDRIA THE PLACE OF RETREAT.

What else does he say? "You will hear of us soon by way of Alexandria." What did he mean by that? Why should they go to Alexandria? If they were successful they would follow the enemy out of the country down through these gaps and down far into Virginia. If they were defeated Alexandria would be the place of retreat. Before the man had moved an inch, before he had formed a line, before he had received an order, he says, "You will hear of us soon by way of Alexandria." If a man starts out with a determination in his mind that he will not succeed, that he must retreat, if the place is picked out to which

he desires to retreat, there is nothing surer than that he will carry out his intention.

#### FURTHER HISTORY OF THE CASE.

Follow that one up a little further. This man seems to have had a desire for writing beyond anything I have ever known. The next morning at 6 o'clock he writes a letter; but before reading that I will go on a little further with the history of the case. The troops remained there that day. The next morning at 3 o'clock, on the 29th, General Pope issued an order to Fitz-John Porter in the following language:

HEADQUARTERS ARMY OF VIRGINIA,  
*Near Bull Run, August 29, 1862—3 a. m.*

GENERAL: McDowell has intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearney and Hooker march to attack the enemy's rear at early dawn. Major-General Pope directs you to move upon Centreville at the first dawn of day with your whole command, leaving your trains to follow. It is very important that you should be here at a very early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.

I am, general, very respectfully, your obedient servant,

GEORGE D. RUGGLES,  
*Colonel and Chief of Staff.*

Major-General PORTER.

#### EVIDENCE THAT THE ORDER WAS RECEIVED BY PORTER.

That was sent at 3 o'clock in the morning. To show that it was received I will read what Fitz-John Porter wrote to General Burnside at 6 o'clock. What time Porter received the order I do not know, but he received it before 6 o'clock, for here is what he writes:

BRISTOE, 6 a. m., 29th.

General BURNSIDE:

Shall be off in half an hour—

That would make it 6.30 o'clock.

The messenger who brought this—

Referring to this order—

says the enemy had been at Centreville, and pickets were found there last night. Sigel had a severe fight last night, &c. Pope went to Centreville with the last two—

Speaking of Heintzelman and Reno when they marched yesterday.

Pope went to Centreville with the last two as a body-guard, at the time not knowing where was the enemy and where Sigel was fighting—within eight miles of him and in sight.

The enormous trains are still rolling on. Many arrivals not having been watched for fifty hours, I shall be out of provision to-morrow night. Your train of forty wagons cannot be found. But I expect they know what they are doing, which is more than any one here or anywhere knows.

F. J. P.

#### CRITICIZES HIS COMMANDING OFFICER CONSTANTLY.

He had received that order then at 6 o'clock, and he sits down and writes to Burnside that Pope does not know what he is doing, but that the night before he moved from Bristoe Station down to Centreville or to Bull Run with Heintzelman's corps and Reno's command as a body-guard. Every word that this man wrote before he received the first order up to this time has been a criticism of his commanding officer.

#### PORTER DID NOT OBEY THIS ORDER.

Following that, General Pope then received information, as the evidence shows, that McDowell had fallen back from near Gainesville and was near Centreville. General Pope then had to change his plans of battle, which is done very frequently on the field. Instead of McDowell and the other troops mentioned being near Gainesville, between Jack-



son and Longstreet, they had fallen back in the night, in fact were driven back, I presume, until they were near Centreville. General Pope then concluded to send this command on the road to Gainesville, for the purpose of stopping Longstreet or whatever command was coming through there, and for the purpose of being on his left and giving support there to meet any troops that might come to attack those that were already there. So he sent an order to Fitz-John Porter, a verbal order, to move on in the direction of Gainesville. Porter did not obey this order. Porter sent word back that he wanted the order in writing. By the time the messenger returned and the order was reduced to writing it was between 8 and 9 o'clock before the order got back to him. When it reached him he was moving, his troops were in position, were in line, and he was at the head of his column, near Manassas Junction. What is that order?

HEADQUARTERS ARMY OF VIRGINIA,  
*Centreville, August 29, 1862.*

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious, or we will lose much.

JOHN POPE, *Major-General Commanding.*

Major-General FITZ-JOHN PORTER.

IMPERATIVE ORDER PUSH FORWARD AT ONCE "OR WE WILL LOSE MUCH."

There was an imperative order to him to move on Gainesville or in the direction of Gainesville, and push forward at once "or we will lose much; I am going down the Warrenton pike." How was that order obeyed? From where he was at that time it was eight miles to Gainesville. Porter says he got the order after 9 o'clock. Take it for granted that he did, he had but eight miles to go. He moved forward in such a manner that he arrived at Dawkins Branch about 12 o'clock. Dawkins Branch was between four and five miles from Manassas Junction. He had not more than five miles to march to the place where he arrived at 12 o'clock. He was two and a half hours at least marching that distance, and when he reached there he only got there with the head of his column. This march ending at Dawkins Branch, he went no farther the whole day, and his troops lay and slept there that night. They were on the line of the road from Bethlehem Chapel. It was three miles from Bethlehem Chapel to Dawkins Branch. He stacked arms there that day and a portion of his troops were never moved out of their places.

PORTER'S FLIMSY EXCUSE.

Now, let us see what excuse is given for this. The excuse that Porter gives is that there was a joint order issued. It is the excuse that has been given for him by a great many that a joint order was issued to McDowell and Porter to move together their troops on Gainesville, and that order gave them the permission either to obey it strictly or not. I will read that order and try to explain it if I can. This order was given after the order to Porter to push on to Gainesville or much would be lost. Then afterward Pope sent to McDowell a joint order, and he sent to Porter the same order. That joint order is as follows:

HEADQUARTERS ARMY OF VIRGINIA,  
*Centreville, August 29, 1862.*

Generals McDOWELL and PORTER:

You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run at Centreville to-night. I pre-

sume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall upon the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to rejoin the other divisions of his corps as soon as practicable.

If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out. One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be, for the present, with Heintzelman's corps or at this place.

JOHN POPE, *Major-General Commanding.*

THE POSITION AS SHOWN BY THE MAPS.

The position can be easily understood. If any person has the curiosity to learn the position of the roads, it can be done by examining the maps, in connection with the battle, made by the engineers of the United States for the purpose of illustrating the positions of the troops. These two men were ordered to march in the direction of Gainesville. Generals McDowell and Porter's order was, as has been said, a joint order. Porter says he obeyed this order first; that he considered General McDowell had command, and therefore he obeyed General McDowell's order. He says again that he did not obey it; that he was not required to obey it, because he did not consider that General McDowell had command. He puts himself exactly in two positions. First, he says he did obey it; then he says he did not for the reason that General McDowell had no right to order him, and that he was left free to exercise his own judgment as to whether he should obey this order or not.

So then General McDowell marched on with his corps following Fitz-John Porter. When they got to Dawkins Branch Porter was at the head of his column. McDowell could not pass Porter's corps with his. He got there and they had some consultation. Porter said that there were troops in his front. If any one will examine this map they will find what troops they were. They were Roberts's Cavalry, a brigade of cavalry thrown out into picket-line along that road. There were troops in his front, he said. They were ordered to go there and form a junction with the troops of Pope on the Warrenton and Gainesville turnpike or road.

WHERE POPE CAMPED.

By the examination of the evidence you will find that some of the troops of Pope's command camped the night of the 25th on this line up here [indicating], where the left of his command was to rest, and formed with these troops up here by Lewis's Lane, by Leachman's house, with the troops that were up to this point. So that by moving under this order beyond Dawkins Branch a short distance and striking the main road, called the old Warrenton and Alexandria road, that runs across and connects with Lewis's Lane, and there connect with the troops that were on the left, a broad open road, they only would have had to move a short distance beyond where the troops were stopped, and then they would have had a road going square to the right, which would have joined the left flank of Pope, which would have formed a complete line across that country.

GENERAL POPE'S IDEA.

Pope's idea was to form that line in connection with his left flank as it then was, but when McDowell found he could not pass through on

account of Porter having the road, in conversation Porter said there were troops in his front, McDowell then said, "Put your troops in there;" but Porter said, "No; if I put my troops in there I will get into a fight." McDowell said, "That is what we came here for." Porter did not do it. This was the order McDowell gave to Porter, to put his troops in there, and Porter did not comply. His troops lay that whole day back to Bethlehem Chapel, three miles, without moving forward; but the order was to put his troops in. McDowell said, "Put your troops in there; I will go and find a road for my troops around on my right." McDowell went back and found the road running from Bethlehem Chapel through behind and to the rear of Pope's left; and he arrived at this point at 3 o'clock, arriving at Pope's headquarters, away beyond on the right, at 5, and his whole division went into the battle a little after 5. King's division, which was part of McDowell's corps, arrived there before he did and were engaged forming on this line, extending the line where Porter was ordered to put in his troops.

#### THE ORDER TO PORTER.

The order to Porter to put his troops in was an order to do what? It was an order to put them in there and engage the enemy. So when Porter finds out that that is the true construction of that order, and he was to put them in there to engage the enemy, he says he did not consider that McDowell had any right to order him. As he did not obey that order, he denies the right of McDowell to order him. He says that McDowell left and he had no right to order him; that he only obeyed his orders to a certain extent, and after that he did not consider he was under his orders at all. But he says that he could not go further, because his orders were that they were to be in a position to fall back behind Bull Run that night.

Let any man look at the map. Here is Bull Run over here. [Indicating.] How could he fall back behind Bull Run from here? [Indicating.] The expectation of Pope was that Porter would go up on this road. [Indicating.] Here is the Warrenton pike where he would strike the road here [indicating], and if he had to fall back here was the place to fall back [indicating], along the Warrenton pike. There was no other way that the order could be obeyed. So when Porter says he did not move forward because his orders were to be in position to fall back behind Bull Run, the truth is, he could not possibly have fallen back behind Bull Run from the position he occupied. He would have to move. In order to do that he must have moved by way of Centreville, or near there in this direction [indicating], to get behind Bull Run.

When you come to read the order intelligently and examine the movements any one can see what Pope meant by his order, which was a very proper one to make in this connection, to bear to the right, and then if they had to fall back they would fall back on these roads [indicating] coming into the Warrenton turnpike road, which ran across Bull Run, so as to get behind it, between that and Centreville.

I would like to have Senators and greater military geniuses than I pretend to be, who have justified this man, answer this proposition. Porter says he received no order during that day until he received the 4.30 o'clock order, except the orders that he received from McDowell, and that when McDowell left him with King's division he did not consider himself under his command. The only order given was to put his troops in there, which he did not do.

"HEARD THE SOUND OF THE ENEMY'S ARTILLERY."

But right here and now I will take the remark which you will find in the report of General Lee, one of the confederate officers, and the report of General Longstreet, who say that in coming through Thoroughfare Gap that morning they heard the sound of the enemy's artillery and that they quickened their pace. No order was required then. They moved on until they struck this road [indicating], and then rapidly down the road until they came to Pageland Lane, and there formed their troops in line of battle.

Porter lay from 12 o'clock in the day until 3 o'clock next morning without changing his position or moving forward. At 3 o'clock next morning he moved from there around into the rear of the army of Pope, on the Warrenton pike. He could move in that direction at 3 o'clock in the morning and report by 5 o'clock or probably a little later to Pope's headquarters with all his command except two brigades that had retreated to Centreville and to Manassas the day before under his orders. This he did, however, under the most positive order from Pope, for the reason that Pope could not get him to obey any other orders. Then he ordered him to move at once with his whole command and report to him on the battlefield so that he could be under his immediate eye, and that is the only order he obeyed up to this time.

PORTER'S CAMP.

Porter camped on the ground stretching from Bethlehem Chapel to Dawkins Branch from 12 o'clock a. m. on the 29th until 3 o'clock the next day. He lay and heard the sound of guns from 8 o'clock in the morning until 9 o'clock at night. No attempt was made by him to move forward, to advance on the enemy, to find out where the enemy was. But he says he was waiting there in a defensive position expecting to be attacked; that there was a large body of troops moving forward against him; that he was expecting to be attacked by those troops, and therefore he held his position during that day.

I leave it to any man who ever had any experience in military matters, if it was only the experience of one week, to tell me what excuse there is for this man saying that the woods were thick there in his front or that there was some obstacle in his front. He does not say that he ever sent a staff officer, that he ever sent anybody of intelligence to find out if there was any road by which he could move across and connect himself with the command of Pope where they were in battle. In all the examination of this question he does not show where he ever tried in one single instance to find a road, to find open country, or to find any place where he could put his troops in a position to attack or assail the enemy. He says his orderlies got lost or were captured, when there was a plain road over which McDowell marched from Bethlehem Chapel, or near there, to the rear of Pope's army.

POSITION OF THE TROOPS.

I wish to draw attention for a short time to the position of the troops, so often misrepresented. It is contended by Porter and by those who defend him that Longstreet came down near to Groveton by 10 or 11 o'clock in the morning, and that it was impossible for Fitz-John Porter to have moved so as to have gotten across to the right there [indicating] and joined the troops of Pope, for the reason that Longstreet was down here [indicating] near to Groveton. At one time it is argued that Longstreet was at Groveton, or near there, by 12 o'clock, and then that he did not go there at all, as he was not engaged that day, they say. Just as it

suits, the argument is made. The truth is, his troops assembled there at or about 4 o'clock, no sooner.

Porter says he got the order at half after 9 o'clock. It was eight miles from where he then was to Gainesville. It was four or five miles, not further, from where he started to Dawkins Branch. It was five or six miles from Gainesville down to Groveton. The evidence shows that the advance of Longstreet's troops passed through Gainesville not earlier than half after 9 o'clock. At the very time that Porter says he received the order he was on his horse, and his troops were in readiness and he moved five miles with part of his troops—those that had not left Bristoe had but three miles—Longstreet had some further distance to move to get to Groveton; and yet they try to show that Longstreet was at Groveton, or near there, and therefore Porter could not move across. I say that the evidence shows, General Lee's report shows it, General Stewart's evidence shows it, General Rosser's evidence shows it, Major White's evidence shows it, Chaplain Landstreet's evidence shows it, Carrieco's evidence shows it, and the evidence of all these witnesses who know anything about that ground shows that Longstreet formed his command behind Pageland Lane. Longstreet says himself that he formed it there.

Mr. SEWELL. Will the Senator allow me to correct him in relation to the distance between Centreville and Dawkins Branch? To say five miles would be more appropriate than three.

Mr. LOGAN. Porter did not march from Centreville; Porter marched from Manassas Station. Porter was not at Centreville.

Mr. SEWELL. I will show that Porter did march to Centreville; that his order was countermanded, and he counter-marched his whole command from Centreville. The distance is five miles from Dawkins Branch.

GOT NO FARTHER THAN MANASSAS.

Mr. LOGAN. If the Senator will show me where Porter went to Centreville then I will agree that I have not read this evidence correctly. Porter got ready and was in motion. He was ordered to move to Centreville that morning at 3 o'clock. He got in motion after 6 o'clock, because he wrote a letter from Bristoe Station at 6 o'clock. Did not the Senator hear me read his letter written to General Burnside at 6 o'clock at Bristoe station? He was there and not at Centreville. He was ordered to move to Centreville, but he did not get farther than Manassas. Then Pope countermanded the order and ordered him to push forward to Gainesville. That is the fact about it. He had no five miles to march to Dawkins Branch from Bristoe, but from Manassas.

Longstreet formed his command—as I will show by all the evidence, and will make this matter so conclusive that no man can dispute it—Longstreet formed his command behind Pageland Lane, as shown by the board of engineer officers and in the testimony as given before the board. Pageland Lane is about one and a half miles from Groveton and at least two and one-half miles from where Porter's head of column was at Dawkins Branch.

THE ONLY THING IN PORTER'S FRONT—ROBERTSON'S COMMAND.

The only thing that was in front of Fitz-John Porter at that time, at 12 o'clock and after, was Robertson's command, which was only one brigade of cavalry that ran across from near Langley's mill to Hampton Cole's house. The line was some three miles long in his front. There was no infantry, no artillery, no force on account of which any infantry

force would pretend to stop a moment. The idea is absurd that infantry would stop on account of cavalry. So that when Porter moved to Dawkins Branch he got so very much alarmed that he would not put his line in there because there was a heavy force in his front, and at that very time, 12 o'clock, this man Longstreet was then forming his command behind Pageland lane, some two miles and a half away. He got there, he thinks, by 11 o'clock anyhow; and will any one tell me that a man can form 25,000 troops in line of battle in ten or fifteen minutes? Suppose he got there at 11 o'clock. He formed his line behind Pageland lane. To form his line would take nearly an hour, he says himself, and the officers testify to it. Chaplain Landstreet went back and forth, and so did Major White of Stewart's staff, one of the officers belonging to the confederate army, passed back and forth the whole day and found them there except those forces that were thrown around in the afternoon to Groveton and who attacked Reynolds's command and others at Groveton.

#### WHAT PORTER COULD HAVE DONE.

So that at the time this man got to Dawkins Branch if he had moved one mile from there off to the right he would have struck the Warrenton and Alexandria road, a large, open road, which joined with Lewis' lane across to Groveton, and there was no difficulty whatever in forming his line and connecting on a plain, large wagon-road his whole command with the command of General Reynolds, that was on the left of General Pope's command, except a little force of cavalry that was in his front; and yet we are told that 25,000 men came down upon him in open day, with the sun shining brightly, with mouths open, and if he had moved he would have been eaten up, swallowed bodily, and there would have been no more left of the grand corps of Fitz-John Porter!

I call attention to the map. The evidence shows that part of our troops were then at Leachman's house, far above Groveton, and remained there until they were driven back by Longstreet's forces that day. Leachman's house is one mile and a half farther toward Gainesville than Porter ever moved during the whole day. There they staid in camp, and there they were until they were driven back after Longstreet's forces came up. General Lee's report shows that when Longstreet formed his position behind Pageland lane he threw his troops to the front; they came on the rear and on the flank of Pope's command. That is the language, and if any Senator will look at the map he can see very easily how it is. Here the flank of Pope ran up the Warrenton turnpike to some distance so as to attack Jackson's flank, and then out to cover that flank here in the direction of the Leachman house, and out in the direction of the Cundiff house. When Longstreet swept down he came in behind this force and forced them to retire and to fall back over on Lewis's lane and take their position there. That is not the 12 o'clock map which the Senator from New Hampshire [Mr. BLAIR] has in his hands. That is the map of 6 o'clock. Here is the map of 12 o'clock. There is where they were at 12 o'clock. [Indicating.] Here was Porter at 12 o'clock; there was Longstreet behind Pageland lane. [Indicating.] There is Pageland lane. [Indicating.] These little red dots here indicate the cavalry. [Indicating.] There is where they were at 12 o'clock [indicating], and they remained there until after 2 o'clock, until about 3 o'clock, when the evidence shows the first movement was made in reference to attacking down by Groveton. There is a straight road. [Indicating.] There is the old Warrenton road. [Indicating.] There is a road right off there to where our troops were [indicating], a plain road. Our troops occupied that place the night before. There is

the old Lewis's lane road down here. [Indicating.] Porter could have started and moved down and across there if he did not want to join up here. [Indicating.] There was no difficulty whatever in moving through that country.

#### ABOUT THE DANGEROUS (?) MOVEMENT.

It is said in a certain article that it was a dangerous movement. Why was it dangerous? Longstreet makes a statement in his evidence, and it is curious evidence, too. I do not desire to criticise General Longstreet or General anybody else, but any man who will read General Longstreet's evidence before the board will be satisfied that he was either very much confused or else he did not know what he was talking about, for he contradicts his own report, he contradicts his own letter, he contradicts his own statements before, he contradicts the report of Wilcox, the report of General Lee in one statement that he makes in reference to his position. But it is immaterial whether he does or not, the different maps show the different positions of the troops, and show where he was, and where they were at the time.

At 12 o'clock and up to 2 o'clock the position was as I have given it; and also later in the day. I ask any man to take the distance between these troops, and tell me why it is that Porter could not move across. If he was afraid to move across for fear Longstreet would strike him as he went across, why did he not move back? His headquarters were here at Bethlehem Chapel. Why did he not turn his troops back that way, and take this road up here [indicating] and come in behind, leaving a small force to guard the road, if he was afraid to cross there [indicating]? McDowell did that. Why could Porter not do it? He tried at no time that day to find a road or a place on which he could move.

#### PORTER DETERMINED NOT TO FIGHT.

The truth is, he was determined not to fight. He was determined not to obey that order. He was determined that John Pope should be whipped that day, which he was, or at least on the next day he was whipped, but that day was the cause of it. His troops were so broken up and demoralized that day that when the fresh troops came in he was not sufficiently strong to withstand the force that was brought against him.

But there is one other point that I wish to answer as I go along. A certain article criticises this order of Pope because it says that Lee's whole command would be there by the next night or the next day at furthest. Has any Senator ever thought for a moment that Lee's whole command was there on the 29th? Will the Senator from New Jersey say that Lee had his whole command there on the 29th? Pope says Lee's whole command will be there by the 30th, or the next day, at least. How is it, then? Pope was right about that. He did not say that none of Lee's command would be there by the 29th, but he said that the whole of his command would be there by the 30th, and he wanted to make this battle before Lee got there with his whole forces. Colonel Stephen D. Lee's reserve artillery was at Thoroughfare Gap and did not arrive on the field until 3 o'clock August 30. General R. H. Anderson's division, four brigades, amounting, so the evidence shows, to 7,000 troops, was not up on the 29th. Anderson's command arrived on the field of battle at 3 a. m., August 30. So with D. H. Hill's division, so with McLaw's division. They arrived on the 30th and not on the 29th, so that Pope's order telling them that Lee's whole command would be there by the 30th—the next day at furthest—was a very proper statement of his to show that he wanted the fight made before they did get there.

## THE EFFECT.

Now, I ask if General Porter had fallen upon the enemy that day, upon his flank, upon his rear, or anywhere else, what effect it would have had upon that battle? General Pope gives his opinion, General McDowell gives his opinion, quite a number of officers entitled to credit and weight give their opinion, that it would have changed the result, and that instead of being a disaster on the 30th the battle would have ended on the 29th and ended in favor of the Union troops.

Quite a number of letters have been introduced by the board, one from General Longstreet, another from General Lee, and letters from quite a number of officers of the confederate army. General Porter asks them all this question: "What would have been the effect if I had attacked with my command Longstreet's 25,000 men?" I never heard a man ask such a question yet who did not receive an answer but one way. Let me ask the question, suppose I attack you, what is your answer? Your answer will be, "You will not attack me a second time." That would be the answer of anybody. It is human nature. Do you suppose that General Lee would agree that this man Porter would have whipped Longstreet that day? But General Lee does not say that Mr. Porter would have been ruined or broken up or destroyed. General Lee is very cautious in his letter. He says, "The probability is that you would have been repulsed." Certainly it is probable that he would have been repulsed. It is probable always that anybody will be repulsed that makes an assault, but he may not be. General Longstreet tells him that he would have been very badly used, he thinks, or something of that kind. Perhaps he would; and so a great many persons on that day were very badly used; a great many were killed, a great many were wounded, a great many were whipped on both sides, and they were badly used, and yet it did not prevent them from going into the engagement.

## NO EXCUSE FOR PORTER'S CONDUCT.

Will it do for any one to argue here that because a man thinks he has not force enough to whip an army that therefore he must not assault that army, if a fight is going on anywhere in connection with that and another army? Will any man say that it is good military discipline, that it is good soldierly quality, that it is the proper way for an officer to perform his duty? Would any one say so? What difference would it have made to him as a soldier? Suppose he had gone in there feeling that he would be whipped. He says in his own dispatch that he thinks Pope's army was being driven to the rear, that it was retiring. Was it any worse for him to be retiring than it was for some of the others to be retiring, or to be driven to the rear? Would it injure the army any worse for one part to be driven back than another? It is the fate of war that men shall be whipped. It is the fate of war that men shall be driven back and pushed forward. If I had a mind to stop here and quote the history of the different battles that we all know and are conversant with, so far as historical accounts are concerned, I could show where small detachments of troops have saved a great army. Without quoting it, read the battle of Marengo, where a small force, late, when the day was apparently lost, came in and won the battle.

When the Senator from New Jersey was quoting one of the maxims of Napoleon I answered it by quoting another, that troops should always march to the sound of the enemy's guns. It was because that maxim of Napoleon was not followed out that Napoleon fell. It was because at the battle of Waterloo one of his general's did not march to



the sound of the enemy's guns that lost Napoleon that battle and lost him his power. If the maxim of Napoleon had been followed out in all probability he would have been successful on that battlefield as well as he was on others.

PORTER'S ATTENTION CALLED TO BUFORD'S NOTE.

I desire to call the attention of Senators, without reading the evidence now, to the fact that early in that day a note came from General Buford that was given to General McDowell, which was made known to General Porter, that seventeen regiments and one battery and five hundred cavalry had passed through Gainesville three-quarters of an hour before. That order was written at 9.30, which would make it before 9 o'clock when those troops passed through Gainesville. That note was communicated to Porter by McDowell, as he swears, and these were all the troops that had passed through Gainesville at that time and up to much later, no matter what the confederate testimony may show. That lapse of years has dulled the recollection of men. These were the troops that had passed through at that time, and they were the only troops that had passed up to the time that this man was moving forward to the position he occupied.

TESTIMONY OF PORTER'S OWN OFFICERS.

But no matter for that, I want to call the attention of the Senate to some testimony that has been given by some of Fitz-John Porter's own officers. First, I want to call the attention of the Senate to the 4.30 order, and then discuss that from the evidence as it is sworn to. General Pope about this time had learned of the arrival of McDowell's troops. They were going to be put in action. He desired to make one move all along the line. He desired to assault everywhere. So, learning that Porter had not assaulted during the day, he issues this order:

HEADQUARTERS IN THE FIELD, August 29—4.30 p. m.

MAJOR-GENERAL PORTER: Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and if possible on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE, *Major-General Commanding*.

General Porter says he received the order after 6 o'clock. The order was sent by Captain Douglas Pope, the brother of General Pope. He passed down through this open country from Pope's headquarters, rode rapidly, and he swears that he brought that order to General Porter and delivered it to him by 5 o'clock p. m.; that Porter was close to Bethlehem Chapel. General Sykes was there with him and quite a number of his officers. He delivered the order to Porter; Porter read the order and put it in his pocket. Pope swears that he delivered this order, he thinks by 5 o'clock, not later than that, say half after 5. Two other witnesses, Charles Duffer and Archelaus Dyer, support Pope in this statement and state that Porter was sitting under a tree. General Sykes swears that, although he was present, Porter never communicated to him this order, although he was sitting with him. Porter did not communicate this order to any of his commanding generals; no, not one. What was that order? It was to attack at once the enemy in flank and rear if you can, but the order was to attack. Did he obey

it? Did he try to obey it? Did he make a move toward obeying it? It will not do to say that it was too late for it to be obeyed, for at 6 o'clock the evidence shows that an attack was made just over his right, at Groveton, on Jackson's forces further to the right. The battle continued until 9 o'clock, as the confederates and Union officers testify. General Pope says if the attack had been made as late as 8 o'clock at night it would have turned the day and given the battle to the Union forces. So do other officers swear to the same thing. Did he move anywhere? What did he do? Instead of attacking what orders did he give? The only order that you can find was given to General Morell: "Push forward two regiments; throw out your skirmishers; push forward at once." Before he could execute the order to push forward, he was ordered to retire.

THE ONLY ORDER EXECUTED BY PORTER.

During the whole day, as Senators will understand from reading this evidence, the only order he gave that he had executed was in reference to hiding his men in the woods when two little pieces of artillery at Hampton Cole's house fired a couple of pieces of railroad iron, as some of the witnesses state; others say that there were four shots fired; others say more, some say two; but it is immaterial. Suppose there were twenty shots fired, what was the order from General Porter? One battery, under Morell, replied to it. The evidence shows the rebel battery was silenced. What was Porter's order? It was to hide his men in the woods and deceive the enemy, to play the same game on them that they would play on him. Morell reports back, I put my troops all in the woods, except what? Except Hazlett's battery. He was told to put that in, too; but he testifies that he did not do that, for he wanted to reserve one battery for defense. That is the character of the orders that Fitz-John Porter gave on the 29th.

Let us see what one of his commanding generals says, for I am hurrying along, and I will print this evidence with my argument, for I do not wish to take up the time to read the evidence that I am referring to as I go along.

WHAT GENERAL STURGIS SAYS.

General Sturgis, whom you all know, now governor of the Soldiers' Home, was ordered to report that day to Porter with a brigade. He did so. He testifies that when he came up to Porter near this little church where Porter stayed the whole day he rode out some distance and saw something glisten, and he thought it was a gun. He rode back and told General Porter that the enemy was moving and getting in position away off to the right. Porter told him he thought not, but very soon a battery opened, the same battery I have referred to, from the Cole house. What orders did Porter give to General Sturgis? General Sturgis was there with his brigade. He came up to fight and he expected nothing else. What orders did he get? This was long before this 4.30 order was given. The order given by Porter to General Sturgis was to retire to Manassas and take up a defensive position. Why did Porter order General Sturgis to retire to Manassas and take up a defensive position? Why did he order him to retreat before he had been engaged in battle even with the skirmishers? Not only that, but the same facts apply to one other brigade that was moving forward to support Morell. When General Griffin was directed to move forward at one time he received an order sent to him by an orderly from General Porter to move to the rear, and that officer moved clear back to Gen-

treville and staid there, not only all night of the 29th, but during the whole day of the 30th while the battle was going on. The other brigade, the one that Sturgis commanded, moved forward on its own hook the next day, the 30th, and went into battle without any order. That is the way Sturgis got into the fight.

#### PORTER POCKETS THE ORDER.

When we come to this order requiring Porter to move forward and attack, Douglas Pope states in his evidence that when he gave that order to Fitz-John Porter the latter put it in his pocket. He gave no information as to what it was to anybody. His own officers swear that he did not notify them of its character. General Sykes was with Porter when he received the order, but Porter did not make known to him that he had the order to attack.

What was the position then? Douglas Pope and the other men who were with him swear that the troops were lying down by the side of the road; that their arms were stacked in the road, and they were still stacked when they left there, and right in that position they camped that whole night without moving either to the front or to the rear, except the two brigades I have mentioned, which moved back under the order of Porter to Manassas Junction and to Centreville.

Will any man tell me when an officer gets an order to move forward and he issues an order to move backward that that is an obedience of the order? Will any man tell me when an officer gets an order to fight and he gets his troops back to take up a defensive position that he is obeying the order? Will any man tell me that when a general officer gets an order to move his troops forward to assault and attack the enemy, no matter whether flank, front, or rear, that that officer can excuse himself by saying, "If I go in I will get whipped?" If that is the rule in armies, no army with such officers as that, with such views, at least, would ever win a victory.

#### WHAT A SMALL BODY OF MEN CAN DO WHEN THEY OBEY ORDERS.

I could cite instances, if it were necessary, during my experience, where 30,000 men have been attacked in flank with 2,500, and successfully, too; and I could call the great chieftain to whom Senators here appeal as a witness to prove the fact that 30,000 of the enemy were attacked in the flank by one brigade not having more than 2,000 men, and the attack of the flank turned the whole army to flight and caused regiments and batteries to be captured. Would any man undertake to prove to me, who saw that done with his own eyes and was a witness to it, that a man with 12,500 men—but according to his own morning report having over 13,000 fighting men—cannot attack the flank of an army for fear he will be destroyed? There are but two ways to solve this: either he was a coward, or he did not intend to fight. The Senator from New Jersey says he was not a coward. Taking his word for it, then he did not intend to fight, and he intended that Pope should be whipped and slaughtered.

Mr. SEWELL. Will the Senator from Illinois allow me to interrupt him?

Mr. LOGAN. Certainly.

Mr. SEWELL. Does he wish to convey to the Senate the idea that Porter was on the flank of the confederate army, or anywhere near it?

Mr. LOGAN. No; I do not wish to convey the idea that he was on the confederate army at all, for he was not. I wish to convey the idea that

if he had pushed forward in obedience to his orders he would have been on the flank of the enemy. That is what I wish to convey.

Mr. SEWELL. Then the Senator does not know the fact that he had Longstreet in his front at that time. The order of General Pope contemplated the striking of the right flank of Jackson and never supposed that Longstreet was there at any time.

Mr. LOGAN. The order of General Pope was to attack the enemy. I do not care whether it was Jackson or Longstreet or Lee or who it was, he was ordered to attack the enemy, and I say if he had moved forward he would have been on the flank of Longstreet. The only thing in his front was cavalry. Upon what theory, upon what evidence does the Senator say that Longstreet was in Porter's front?

Mr. SEWELL. Upon the evidence of Longstreet himself.

Mr. LOGAN. Does Longstreet say so?

Mr. SEWELL. Yes, sir.

Mr. LOGAN. Where?

Mr. SEWELL. In his evidence.

Mr. LOGAN. Longstreet in his report says that he was informed during that day that there was a heavy column threatening his right and that he sent Jones's brigade with Wilcox's to support it for the protection of his right flank; that suddenly that column disappeared; then Wilcox was drawn around in the direction of Groveton and fought that evening at Groveton. That is what Longstreet says.

If the Senator will give me his attention I will answer him in as kindly a spirit as he made the suggestion. He says from the evidence of Longstreet that Longstreet was in front of Porter and that Porter knew it. Will the Senator please tell me how Porter knew it?

Mr. SEWELL. By feeling him with skirmishers.

Mr. LOGAN. By feeling what?

Mr. SEWELL. By feeling the enemy and by the report of Buford.

Mr. LOGAN. Buford reported that seventeen regiments and five hundred cavalry passed through Gainesville that morning. That was his report. Did he report that that was Longstreet's force? He did not give any name to it.

Mr. SEWELL. No; but they were marching in the direction that Longstreet was expected.

#### THE SENATOR FROM NEW JERSEY IS MISTAKEN.

Mr. LOGAN. I beg your pardon. They were marching down the Groveton road, the turnpike, and that is the language of the dispatch. Let me show the Senator how he is mistaken. Fitz-John Porter, in his first application to have this sentence set aside, said over his own signature that there were from ten to fifteen thousand troops in his front. Is not that so? Now he turns around and says there were 25,000 of Longstreet's force in his front. When did he find it out? Why did he not say so when he made his first application? He stated just the contrary. He said there were ten or fifteen thousand troops stationed up there where Longstreet was. He was even afraid to attack them. This shows that at that time his knowledge did not go to the number you pretend there is now, but that he only claimed ten or fifteen thousand in his front, and with his 12,500 he was afraid to attack them while the others were being attacked all along the line.

#### THE CASE PUT IN A DIFFERENT SHAPE.

Now, let us put this in a little different shape. Jackson, it is said, had 22,000 men. That is what Grant says, and we will say that Long-

street had 25,000 men. That makes 47,000. Pope had 30,000 men assaulting Jackson's 22,000. If Longstreet did help Jackson—you say he did not, but I say he did—there were 47,000 men ready to assail 30,000. Porter's 12,000 men would have brought the number of Pope's command, if they had followed up, to 42,000, which would have equalized the armies to some extent; but withholding the 12,000 it reduced them to such an extent that the whole army of Pope would have been dashed all to pieces, as was the case, without the support of Fitz-John Porter.

Suppose you take it in that light, you see that your man was wrong in not attacking. But suppose you examine it in another light. You say that Fitz-John Porter knew this. The evidence shows that he knew nothing about it. He could not see the troops; he was back at Bethlehem Chapel; he did not go to the front; he did not have any reports, such as you now say he had, of a large force attacking him. There was no such thing. If he had reports from prisoners as to the number of Longstreet's command, why did he not say so on his first trial? Then he claimed ten or fifteen thousand. He had reports of dust, for the most of the witnesses who were sworn say they could not see the troops, they could only see a few up at the Cole house, a little battery and a few troops there supporting it. That is the testimony of nearly every witness who was sworn. All they could see was a few cavalrymen moving off; but what did they see, as has been sworn to by all the witnesses? Heavy clouds of dust, they say, rising in the direction of Gainesville, in the direction of Thoroughfare Gap, and these clouds of dust were reported as showing that a heavy column of troops was moving against Fitz-John Porter. Is not that the fact? If you say it is not, let me show you what Fitz-John Porter himself says:

Late in the evening they—

Speaking of the enemy—

have gathered infantry and artillery—

They have gathered them; not that Longstreet is coming up to his front, but they, the enemy—

have gathered infantry and artillery, and the advancing masses of dust show the enemy coming in force.

WHAT PORTER SAID OVER HIS OWN SIGNATURE.

That is what Fitz-John Porter said over his own signature. "The advancing masses of dust show the enemy coming in force." What were these masses of dust? Inasmuch as you introduce confederate testimony—and it is confederate testimony I have been talking about most of the time, except the orders and statements of one or two witnesses—what does General Rosser say? General Rosser, who was in command of some of the cavalry, says in his report, and he gives it as testimony, that he had some cavalry, and seeing this column moving up on this road, which he afterwards found out was Fitz-John Porter's column, he reported it to General Stuart, and in order not to bring Longstreet's forces down there, but in order to deceive Porter, they dragged brush up and down that road and made that dust. That is the evidence. Is not that so? That is the evidence in favor of your friend. Mules dragging brush in his front induced him to report that a heavy column was moving down upon him, and therefore he was going to retreat to Manassas without firing a shot! That is what he said. That is not all the evidence either.

General Stuart says in his official report to the confederate govern-

ment that he directed the pulling of brush up and down that road to make a dust and that the ruse was successful. I use his very language: "The ruse was successful." Why? Because he says that Porter in his report afterward conveyed the idea that, on account of the dust, he supposed a large force was coming. Every one of these men testify and say in their reports that there was nothing on the road he was marching over from Dawkins Branch to Gainesville that whole day except cavalry and Jones's brigade, that came up to the Cole house in support of a battery and stayed there, and that was not really in his front. That was late in the day. That was after Longstreet had formed his line. When this man got there there was nothing but cavalry pickets, and to keep him from moving on Longstreet's flank, they dragged brush up and down the road, and there this grand soldier saw in that dust myriads of cavalry coming, with yellow boots and shining muskets, down on this immortal hero!

#### WHAT GENERAL LONGSTREET SAYS ABOUT HIS OWN POSITION.

Now, let us go a little further with this. The Senator says that Longstreet proves this. Inasmuch as we are on that point, for I do not want to make a statement unless I can sustain it, let us see what General Longstreet says about his own position, and not in his (Porter's) front:

At a late hour in the day Major-General Stuart—

The man who commanded the cavalry—

reported the approach of the enemy in heavy columns against my extreme right.

Not his front.

I withdrew General Wilcox, with his three brigades, from the left, and placed his command in position to support Jones in case of an attack against my right. After some few shots the enemy withdrew his forces, moving them around toward his front, and about 4 o'clock in the afternoon began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former position, and Hood's two brigades, supported by Evans, were quickly pressed forward to the attack. At the same time Wilcox's three brigades made a like advance, as also Hutton's brigade, of Kemper's command.

That is what Longstreet says, that at one time when he was notified that a move was being made on his right flank he sent Wilcox to support Jones, but after a few shots were fired the enemy retired. If you take the evidence of Fitz-John Porter himself you will find that when these shots were fired he ordered Morell to put his troops in the woods, and Morell did so except Hazlett's battery; so that, as Longstreet says, they retired into the woods, they hid; for he told Morell to hide them away so that they could not be seen. He does it. Then Longstreet says he ordered Wilcox with all his other troops to move down in support of Hood on to Groveton, and there they staid, as Wilcox's report shows, until 11 or 12 o'clock that night. There is the evidence, and it is not in accordance with what the Senator says; it is not in accordance with the statement of Fitz-John Porter, but it is just the contrary.

#### GENERAL LEE'S REPORT.

So if you will take General Lee's report he reports precisely the same thing, that during that period when Longstreet's right was threatened they moved over to the support of Jones; but the enemy (meaning Porter's command) having retired, the troops were withdrawn and thrown back on Pope near Groveton. So Fitz-John Porter was left that whole afternoon without anything in his front except one brigade at the Cole house, and that was not exactly in his front except the cavalry. These are the facts as shown by the evidence, and I defy any man to take this

evidence and read it calmly and carefully and come to the support of Fitz-John Porter on the theory of the Senator from New Jersey, that a heavy and overwhelming force was in Porter's front during any time that day which could have seriously interfered with his force.

Dust in the road! Attacked by mules and a brush pile, which so alarmed him, with 12,500 men, that he ordered a part of his command to retreat, some to Manassas and some clear back to Centreville! And with all these facts confronting him he wants to be restored to the Army. Why, sir? Because he fought on that day? No, for he did not. Because he obeyed his orders? No, for he did not. But, sir, because he was so frightened at dust, and at troops which he did not see and did not know about—an army in buckram—that from timidity he did not obey, therefore Congress must stretch the law and conscience to please this persistent beggar of the people's bounty.

PORTER'S FATE HAD HE BEEN A VOLUNTEER SOLDIER.

Mr. President, if this man had been a volunteer soldier he would not have been permitted to stay in this country. There is no man who was in the volunteer service, a mere volunteer, who would ever have had "check" enough to come before Congress or any other body and ask that this evidence be spread out before the world and on it a reversal of his sentence. Sir, this only shows one of the dangers to the future of this country. Class, sir, once on the bounty of the Government always on the bounty of the Government, no matter what wrongs they may perpetrate. See them swarm now at Washington plying their influence in this unholy cause.

PORTER CLAIMS THAT HIS ORDERLIES WERE CAPTURED.—EVIDENCE TO THE CONTRARY.

Mr. President, I desire to call attention now to one of Porter's statements. He says he could not get any communication through to Generals McDowell or King or Pope that day; that his orderlies were all captured. I do not believe it. They sent communications to him, although he denies it. But read his orders to his own officers! He got communications from McDowell or from Pope or from somebody. Although he tries to cover it up it will out, as will be here shown. One of General Sykes's brigade commanders says:

*August 29, 1862, 5 h. 45 m. p. m.*

To General SYKES:

I received an order from Mr. Cutting to advance and support Morell. I faced about and did so. I soon met Griffin's brigade withdrawing, by order of General Morell, who was not pushed out, but retiring. I faced about and marched back two hundred yards or so. I met then an orderly from General Porter to General Morell, saying he must push on and press the enemy; that all was going well for us, and he was retiring.

Meaning the enemy was retiring.

All was "going well for us." Going well for us where? Showing that he had received some communication from some of the officers over on the right that the battle was going in our favor.

Griffin then faced about, and I am following him to support General Morell, as ordered. None of the batteries are closed up to me.

Respectfully,

G. K. WARREN.

This shows that Warren was moving to support Morell, and Griffin and Morell were both retiring. In the mean time an orderly from Porter comes and countermands the order and says: "Press the enemy; all goes well." Now read what Morell says:

GENERAL: Colonel Marshall reports that two batteries have come down in the

woods on our right toward the railroad, and two regiments of infantry on the road. If this be so it will be hot here in the morning.

GEO. W. MORELL, *Major-General*.

"If this be so it will be hot here in the morning." Mark the language. Morell reports that two batteries, which were the ones I spoke of at the Cole house, and two regiments of infantry, showing Jones's brigade exactly as Jones stated in his report, are coming down to our right.

If this be so it will be hot here in the morning.

GEO. W. MORELL, *Major-General*.

Fitz-John Porter indorses the order:

Move the infantry and everything behind the crest and conceal the guns. We must hold that place and make it too hot for them. Come the same game over them they do over us and get your men out of sight.

There is the time where by Morell firing two or four shots from a battery Longstreet was deceived, so that he says in his report that the force had retired. Where did they retire? They retired under Porter's order to the woods; they hid, laid down, as the evidence shows, and got out of the way. "Come the same game over them they do over us." What game had they been coming over him that day except the game of brush and dust? That was all.

Now, let us go a little further. You will find Colonel Martin's testimony (page 137, C. M. B.) fixing the time; the information of Morell which must have preceded all this which I now read as this was 3 or 4 o'clock. Morell says to Porter:

I can move everything out of sight except Hazlett's battery.

Just as I said a while ago.

Griffin is supporting it, and is on its right, principally in the pine bushes. The other batteries and brigades are retired out of sight. Is this what you mean by everything?

GEO. W. MORELL, *Major-General*.

Indorsed as follows by Porter:

GENERAL MORELL: I think you can move Hazlett's, or the most of it, and post him in the bushes with the others so as to deceive. I would get everything, if possible, in ambuscade. All goes well with the other troops.

What "other troops?" Not his troops, for they were not fighting. "All goes well with the other troops." He had heard from the right, he had heard from McDowell or from Pope or from somebody, that the battle was going well. What does he want? He wants the battle fought without him. He hides his men. The only way he intended to fight was that if the enemy came down there he would be in ambush and would fight them in that way. That shows perfectly plain that he did not intend to attack, but he intended to take that advantage provided the enemy came down that way, and nothing else is shown by it. Now, sir, the theory of the Schofield board can not be maintained in this way. If Porter's action held Longstreet off from Pope, how would Porter do it? Certainly not by hiding his men, but by showing them and making demonstrations. But he hid his men. Why? There could be no reason for it unless it was to make the enemy think he was gone, that they might move on Pope. What else does he say? He gets a little excited, however, for fear the dust and the cavalry might attack him, and he sends a note to Morell:

GENERAL MORELL: Tell me what is passing, quickly. If the enemy is coming hold to him and I will come up. Post your men to repulse him.

F. J. PORTER, *Major-General*.



"Tell me what is passing, quickly. If the enemy is coming hold to him and I will come up." He was not up then. He was down at Bethlehem Chapel, but he said "if the enemy is coming, hold to him and I will come up;" but the enemy did not come and he did not come up. The enemy was not coming, the enemy did not propose to come, the enemy had not moved on him, the enemy had not threatened him, the enemy had not moved against him during the whole day while he was lying there in the road. Except a little skirmish that the Senator talks about of a few men beyond the branch, nothing was done except a few shots fired and one man killed, and that by an accidental explosion of a shell as it fell over.

PORTER VERY MUCH ALARMED.

Now what else showing that he became very much alarmed and desired to make a pretense of helping? He wants to help Sigel, but wants to get to Centreville or Manassas. I read his note to Morell:

GENERAL MORELL: Push over to the aid of Sigel and strike in his rear. If you reach a road up which King is moving, and he has got ahead of you, let him pass, but see if you can not give help to Sigel. If you find him retreating move back toward Manassas, and should necessity require it, and you do not hear from me, push to Centreville. If you find the direct road filled take the one via Union Mills, which is to the right as you return.

F. J. PORTER, *Major-General*.

Look to the points of the compass for Manassas.

F. J. PORTER.

If you look to the points of the compass and take the map you will see what he means. He just begins to ascertain that our troops are winning the victory at that time, and it strikes him that he had better push off to the right, to feel for our line in compliance with the joint order; but he does not let Morell go, for before Morell gets started Porter sends him another order; and what is it? He orders Morell to stop where he is. Even before Morell can get in motion what does he say? Here is his order:

GENERAL MORELL: Hold on, if you can, to your present place. What is passing?

F. J. PORTER.

GOOD SHELLING WITHOUT WASTING AMMUNITION.

He issues an order for Morell to move, and before he moves he tells him to hold on to his present place. "What is passing?" So you see all through he issues an order to do one thing and then countermands it the next minute, showing that he did not intend to do anything that would bring about any assistance or support to Pope during that battle, but merely make a pretense of doing something. Again, he issues another order, as follows:

GENERAL MORELL: I have all within reach of you. I wish you to give the enemy a good shelling without wasting ammunition, and push at the same time a party over to see what is going on. We can not retire while McDowell holds his own.

F. J. P.

Is not that strange language? How did he know that McDowell was holding his own? That was later in the evening. That must have been very late. How did he understand that McDowell was holding his own? How does he understand that they can not retire? Why does he want to retire? He says:

Hold on. I have all within reach of you. I wish you to give the enemy a good shelling without wasting ammunition, and push, at the same time, a party over to see what is going on. We can not retire while McDowell holds his own."

In other words, if McDowell was not holding his own, he would re-

retreat, but as McDowell is holding his own he is afraid to retreat, though he has not been attacked. Now, remember he has heard McDowell was holding his own. McDowell went into battle about 20 minutes past 6. This was after he had got the 4.30 order, for he could not have heard from McDowell until after that. If McDowell was holding his own, and he gave this order to Morell to push forward, how can he say it was too late to obey the order?

GENERAL MORELL: I wish you to push up two regiments, supported by two others, preceded by skirmishers, the regiments at intervals of two hundred yards, and attack the party with a section of a battery opposed to you. The battle works well on our right, and the enemy are said to be retiring up the pike. Give the enemy a good shelling when our troops advance.

F. J. PORTER, *Major-General Commanding.*

"Give the enemy a good shelling when our troops advance." If you remember, the 4.30 order required him to use his artillery freely. I want to know, if Morell could move to attack with two regiments and give the enemy a good shelling, how was it too late to obey the 4.30 order? How does he know the enemy are retiring? How does he know that our troops are advancing? How does he know that our troops have the advantage if he has not received any communication that day? He says he could not get his orderlies through, could not communicate with these men; but he constantly tells Morell what our forces are doing. How did he ascertain it? Sir, this was after he received the 4.30 order; and to show the shallow pretense of the man let me ask how can he say there were 25,000 troops in his front and he justify his order to attack with two regiments? Oh! sir, this is too shallow.

#### THE NEXT ORDER.

Let us go on with his orders. In the next order, immediately after he orders Morell to advance with two regiments and attack the battery up by the house, which is the Cole house, what next? The very minute Morell commences to get ready he sends another order for Morell not to move, but to go into camp. Here is the order:

GENERAL MORELL: Put your men in position to remain during the night, and have out your pickets. Put them so that they will be in line, and on rising will be in position to resist any attack. I am about a mile from you. McDowell says all goes well, and we are getting the best of the fight.

Again he says, "McDowell says all goes well." There he did get a communication from McDowell, did he not?

I wish you would send me a dozen men from that cavalry.

F. J. PORTER, *Major-General.*

Keep me informed. Troops are passing up to Gainesville, pushing the enemy. Ricketts has gone, also King.

#### OTHER PROCEEDINGS VERY STRANGE.

After all this had been done, after he received the 4.30 order, then he orders an advance of two regiments, and then orders them to camp, &c. Now I desire to show how strange other proceedings of his were during the day. General Butterfield, one of his commanders, was ordered to move forward; he did so. He moved across Dawkins Branch, and he says he did so—

To look up a position and see whatever difficulties might be in the way. I understood myself not at liberty to bring on this engagement until the division could be deployed behind, unless I could gain a position, finding affairs that I could handle in front of me.

I went out personally with my staff, after seeing the head of my column in motion, leaving it in charge of the senior colonel, Lansing, of the Seventeenth New York. I proceeded until I came up in close proximity to the enemy's skirmishers, when one of my staff officers asked me if I proposed to tackle the enemy

alone. I said no; I had troops behind; I turned around, and, to my astonishment, saw that my brigade that I had put in motion, and seen well out over toward this dry branch, were not there—had returned and were out of sight. I returned with great rapidity and considerable temper. I did not understand why my command had left me. I came back and found that my brigade had moved off to the right in these woods, which were very thick. There was a little road running along here, and they were out in front of this and had come to a halt. That is, they were back of Dawkins Branch, back on the high land on this side of the railroad—south side of the railroad—in the woods. I asked my senior officer what it meant—his returning without any orders from me; he said he had received orders directly to return, and not to make the advance. I was in no very pleasant humor about that method of proceeding. He offered as his excuse that the orders had come direct from a staff officer of General Porter, or from General Porter himself.

PORTER RESCINDED HIS ORDER TO MOVE FORWARD IN EVERY INSTANCE.

Again you find that at every advance and every attempt made during that whole day to advance on the enemy by any of the troops of Fitz-John Porter, after he had once given the order to move forward, before they could move he rescinded the order and ordered them back. So, then, I insist, and not only do I insist, but the evidence proves beyond all question or doubt, that he did not obey a single imperative order that was issued to him from the time of the movement on the 27th of August, 1862, up to 3 o'clock on the morning of the 30th, when he was ordered to report in person to Pope's headquarters. Why, sir, when Pope found he did not obey the joint order, did not obey what McDowell ordered him to do, "to put his troops in there," did not do anything, did not move to the right, did not move forward, did not try to move anywhere, did not try to ascertain anything about the ground, about the roads, where the enemy was, how he could attack them, how they could escape, how he could do the work—finding all these things out, Pope issued this order.

GENERAL POPE THOUGHT OF ARRESTING PORTER ON THE SPOT.

General Pope was going to arrest him on the spot, but was persuaded not to do so, but ordered him to appear in person with his whole command next morning on the field. Here is the order:

HEADQUARTERS ARMY OF VIRGINIA,  
*In the Field, near Bull Run, August 29, 1862.—8.30 p. m.*

GENERAL: Immediately upon receipt of this order, the precise hour of which you will acknowledge, you will march your command to the field of battle of to-day and report to me in person for orders. You are to understand that you are expected to comply strictly with this order and be present on the field within three hours after its reception, or after daybreak to-morrow morning.

JOHN POPE, *Major-General, Commanding.*

Major-General PORTER.

Will any man say that the character of this order does not convey upon its face the fact that there was some necessity for such an order? The order being so unusual proves some imperative necessity for it.

GENERAL HEINTZELMAN'S DIARY.

Would any other man, after having such an order from his commanding officer in order to compel him to act, make the claim made by this man and his supporters? General Heintzelman's diary kept on that day shows that at a certain hour McDowell arrived at Pope's headquarters, and McDowell immediately put his troops in line of battle and went into the fight. General Heintzelman's diary of the day was kept as to the engagement, at what time certain troops went into action and when they came out of action, &c. When McDowell had come up and Pope found out that McDowell and King could be put into action, he then issued the order to move at once, so that they would all be in action during that evening. But just at the very time a note

came from Porter to General McDowell, the language of which was that the enemy was in strong force in his front, from the dust, and that he thought our troops were retiring, from the sound of the musketry; that he should retire, if left to him, to Manassas that night. In other words, that he was going to retreat: at the very time the battle was the hottest he notified his commander that he was going to retreat with 12,500 men, almost without having fired a shot during the entire day. Will any man tell me that such word as that coming on the battle-field to a commanding officer at the very time he is going to make an attack will not have a depressing effect on the army, on anybody that finds it out? McDowell knew it; Heintzelman knew it; Pope knew it. It was sent to his headquarters, and read that Porter was going to retire because of the fact that he thought our army was being driven back.

Mr. SEWELL. Has the Senator from Illinois got that dispatch?

Mr. LOGAN. Yes, sir; I have.

Mr. SEWELL. I think it will hardly bear that construction. The preparatory orders, you will remember, relating to this campaign contemplated the retirement of the army to the other side of Bull Run that night.

Mr. LOGAN. It had no connection with any orders. He was going to retire. Here is the dispatch:

GENERALS McDOWELL AND KING: I found it impossible to communicate by crossing the fords to Groveton. The enemy are in great force on this road, and as they appear to have driven our forces back, the force of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery and cavalry and infantry, and the advancing masses of dust show the enemy coming in force. I am now going to the head of the column to see what is passing and how affairs are going. Had you not better send your train back?

F. J. PORTER, *Major-General*.

I will communicate with you.

He was not going to retire on account of any orders, but from the great force of the enemy.

PORTER BACK IN THE REAR.

Mr. President, what great force was there? Who had seen them? Had Porter? Certainly not; he was back in the rear; and none of the dispatches indicate any such thing.

I have turned to the diary of which I spoke. General Heintzelman testifies to the correctness of this diary before the Schofield board. Here it is:

Question. Will you read to the board from the diary those events which you noted at the time, August 29, 1862?

Answer. "Centreville, Friday, August 29, 1862: Kearney did not get off until after daylight" that night. The night before the 29th General Kearney was advanced as far as Centreville. I think General Pope was quite near on the opposite side of the river from Centreville. In the night an order came for Kearney to advance at 1 a. m. and attack the enemy. Hooker at 3 a. m. was to support him. The report was General McDowell had intercepted the enemy; and the next morning I started at daylight, as I was directed. When I got to where Kearney was his division had not started, and he was killed not long afterward, before I made my report.

Q. Now, will you be good enough to read what you made notes of on the 29th of August as to the events of that day?

Here are his notes about what went on during the battle:

The witness read as follows:

"Kearney did not get off till after daylight. We are all detained by him. There is a heavy cloud of dust on the road to Leesburgh, upon which the rebels are retreating or rather advancing. It is now a quarter past 7 a. m.; arrived at the bridge at 9 a. m. Firing commenced some two hours ago, and has just ceased. Report that we are driving the enemy. At 10 a. m. reached the field,

a mile from the stone bridge. Firing going on, and I called upon General Sigel. General Kearney was at the right. Part of General Hooker's division I sent to support some of Sigel's troops. General Hooker got up about 11 a. m.; General Reno nearly an hour later. Soon after General Pope arrived—about quarter to 2. I rode to the old Bull Run battlefield, where my troops were. The enemy we drove back in the direction of Sudley's church, and they are now making another stand. We are hoping for McDowell and Porter. *I fear we will be out of ammunition.* We have sent for it. At 3.30 p. m. our troops driven back. At forty-five minutes past 3 McDowell's troops reported arrived. Firing closed at fifteen minutes past 4. At half-past 4 General Reynolds's troops arrived. Five p. m. our troops engaged on the enemy's right. Twenty minutes past 5 p. m. musketry firing commenced on our center. General Kearney has held his position. Forty-five minutes past 5 General McDowell on the field at headquarters. Heavy firing on our center. Kearney reports he is driving the enemy back."

Mark the time, 5 o'clock.

"General Porter reports the rebels driving him back and he retiring on Manassas. Twenty minutes past 6 very heavy musketry and artillery. McDowell's troops just entering the battlefield. Kearney on the right with General Stephens's troops, and our artillery drove the enemy out of the woods they temporarily occupied. The firing continued until after night, but left us in possession of the battlefield."

This shows that after 5 o'clock General McDowell's troops made an attack upon the enemy; and until the battle closed General McDowell was engaged with two divisions, King's and Reynolds's, both of which lost heavily in that engagement: they did not enter the engagement until after 5 o'clock. So at the time that Porter was trying to retire from the front of no enemy whatever General McDowell was putting his command into action and fought a severe battle, continuing until 8 or 9 o'clock.

At 5 o'clock he says he could not get any communication; but here General Heintzelman, at 5 o'clock, on the battle-field, while the battle was going on, notes the receipt of a report from Porter intimating to Pope and all of them that he was attacked and retreating on Manassas. At 5 o'clock, the very time that our army had commenced its severest attack on the enemy, this report comes to headquarters: "Porter has been driven off the field and is retiring to Manassas;" and this report comes over his own signature, all of which, as you all know from the evidence, was not true; not a word of it.

#### McDOWELL ARRIVES.

McDowell arrived and received this note from Fitz-John Porter notifying them of his determination to retire that night. The Senator says it will not bear that construction. It does bear that construction. Can any Senator give it any other construction? He is going to retire to Manassas; that does not mean that he is going to attack, nor does it mean that he is going into camp where he is.

Just at that time, as I said, the officers of the army must necessarily have been discouraged by this dispatch when he said a heavy force was coming in his front; afterward he says: "We can not retire while McDowell is successful." Senators, read these notes, orders, and dispatches as they are sworn to and tell me was this man desiring Pope's success that day. His whole movements in every respect show a determination not to support General Pope on that day.

These facts as I have given them in this case truthfully can not be disputed. It is the evidence made up from the reports of officers of both armies; it is the evidence made up from facts stated under oath by men of both armies.

Mr. SEWELL. Will the Senator allow me to interrupt him? I should like to do so very much.

Mr. LOGAN. Yes.

Mr. SEWELL. Was not the order of General Pope to the corps commanders that they should hold their commands in such position that they could retire to Bull Run on that night? Was there not such an order?

Mr. LOGAN. That was the first order; the joint order to Porter and McDowell.

Mr. SEWELL. The corps commanders were to keep their commands in position at all times to retire and fight a battle behind Bull Run. That was what Porter had in view.

Mr. LOGAN. I will answer that, and I will take but a minute to do it. That was the joint order given to McDowell and Porter that the Senator refers to.

Mr. SEWELL. The last order he had?

Mr. LOGAN. I beg pardon. The 4.30 order was the last order he had.

Mr. SEWELL. The Senator from Illinois just now was speaking all the time about the morning order and the 4.30 order. That last order was not received until 6.30. It was dark before it could be put in execution.

Mr. LOGAN. That is the order I am discussing now.

Mr. SEWELL. My remarks were directed to the statement of the Senator from Illinois that General Porter had communicated with General McDowell that he was going to retire. But I will not interrupt the Senator any more.

Mr. LOGAN. I have no objection to interruptions. The Senator gets these orders mixed. The order given to McDowell and Porter to move on Gainesville directed that the order need not be strictly obeyed provided they could see in their own judgment some other way of doing the thing that was better, but that they should move in such a way as to retire behind Bull Run that night if necessary. That is the order the Senator refers to.

Mr. SEWELL. I mean that it was intended by General Pope to really fight the battle behind Bull Run.

Mr. LOGAN. That was not the order.

Mr. SEWELL. The corps commanders all expected it.

PORTER COULD NOT RETIRE BEHIND BULL RUN.

Mr. LOGAN. That was the order issued in the morning before the battle commenced, that if he retired at all he was certainly to retire behind Bull Run. If the Senator will examine the map he will find that Porter stopping where he did could not retire behind Bull Run. He rendered the execution of the order impossible. Bull Run is not on that side of the battlefield at all. Bull Run runs over by Sudley Springs and down in this way. [Indicating on the map.] To retire behind Bull Run he necessarily would have to carry the order out and go over to the Groveton pike and turn back on the pike behind Bull Run. That was the only way unless he came back in this direction. [Indicating.] He would have to fall back to Centreville and then go up to Bull Run.

The object of Pope was to move them up in the direction of Gainesville, and, as he said, to feel over to the right to connect with his left—that was above Groveton, on the pike—so that when they retired, if they had to retire, the whole army could retire down the roads behind Bull Run. That is as simple a proposition as ever was in the world, if any man will examine the map in connection with this order. But when the 4.30 order was issued it was of an entirely different character. The 4.30 order was for Porter to attack at once, and if he did fall back to

fall back to the right, so as to be in support of other troops or where other troops would be in support of him, so that if attacked by a superior force of confederate troops he would be near to his own troops, so that in falling back he would have their support. The two orders, when you come to examine them and examine the map, are simple and easily understood by any one who understands or tries to understand military movements. There is no difficulty whatever in understanding them, taken in connection with the maps, when there is any disposition or desire to understand them.

But what I complain of, and what the court-martial complained of, what they found him guilty of, was that he did not obey the joint order, nor did he the 4.30 order. He acted under the 4.30 order just as he did under the 6.30 order of the 27th. He did not try to obey it and he waited for four or five hours on the 27th before he attempted to obey, and then asked somebody else to make an excuse for him on account of the roads. When it comes to the joint order and the 4.30 order it was an order to attack, which would have made his attack not later than McDowell made his attack, not later than King, not later than some of the confederates attacked: for some of them attacked as late as 7 o'clock. He could have attacked on the night of the 29th of August up to 8 o'clock without any difficulty; but when he is ordered to attack, instead of doing so he sits down, does not move, does not attack, does not even try to attack, except order two regiments under Morell and then orders them into camp before they get in motion; does not examine the country, does not try whether he can move or not; but he sends an order to Morell to go into camp that night where he is, and there is where they did camp. He staid at Bethlehem Chapel and slept there that night; Morell staid at Dawkins Branch. His troops camped from Dawkins Branch back in the direction of Bristoe Station, over three miles on the road, with arms stacked, one brigade at Manassas and one brigade near Centreville, without a gun being fired, and this man says that there was such a dust in the road that he knew there was a great enemy in his front!

#### ALL THAT HE DID THAT DAY WITH HIS WHOLE FORCE.

That is all, Mr. President; that was all, sir, that this man did with 12,000 men that day. I say that a man who can come forward as a military man and claim a restoration to the Army on the ground that he obeyed orders, for that is the ground on which he asks it, and those who defend him say he obeyed it as well as he could, that he could not do anything else except what he did, while he did not try to obey either of these orders; he never made a move to obey either one of them in any military sense whatever. No, sir. Time may have smoothed the surface, but we all know when these things were fresh, no one could justify his unmilitary and unsoldierly conduct.

Sir, I call attention to the fact that a former general in the Army of the United States has the hardihood to ask that the Congress of the United States shall reinstate him in the Army on the ground that he did obey an order as fully as he could, when the only excuse given is that the order was received late and that there was such a force in his front that he could not attack. For whom has this excuse been made save for this man; who else in either army claimed any night too dark to march under peremptory orders? No one, sir; no one.

Who, sir, ever lay within two miles of an enemy, under the sound of battle for a whole day, with or without orders, without attempting to

assist his comrades in arms? I know of no instance like it. And yet this man is to be put back into the Army as a rebuke to those that found him guilty and the President that executed the judgment of the court.

I have served during my life about seven years in the Army. I do not wish to speak of what I did myself. I have been in a great many battles. If the time ever was during my whole experience that I would not have attacked anywhere at any time with 12,500 men under orders, I would have felt it but due to me to have been summarily kicked out of the Army in disgrace. There is no excuse whatever for such conduct. Suppose a man is ordered to make an attack at 12 o'clock at night, what is his duty? Is it not his duty to obey or at once turn over his command and resign?

Mr. SEWELL. It would be if the order was to make an attack at 12 o'clock. This order was at half past 4, and did not contemplate a night attack.

Mr. LOGAN. It said to attack, did it not?

Mr. SEWELL. It did, supposing it would be delivered in half an hour.

Mr. LOGAN. That will not do at all. He could not attack under the order until he received it. The officer who delivered it says he did so at 5 o'clock; but suppose it was 7, our troops were still in battle and while in battle there can be no excuse whatever for not attacking. It was his duty to attack the line. You say the enemy was in his front. I say not. His flank was to Porter. It was his duty to attack it. You say his front was to Porter. If it was, it was equally his duty to attack it.

#### HE WAS TO ATTACK AT ONCE.

The idea of a man saying an order is issued at 4.30 o'clock and I did not get it until sixty minutes afterward, therefore I must not attack, is simply absurd. He was to attack at once. No time was given, no limit fixed. He was to attack when he got the order. That is the construction of it and the meaning of it. Ten thousand troops have won many a hard-fought battle. Three thousand have done so; 2,000 have done so. Why, sir, suppose you have an army before a fort, the walls are almost perpendicular, what will the men say to you when ordered to attack it? "I will not obey the order." "Why?" "Because I am sure to be killed." What does a man go into the Army for except to take his chances of being shot and take his chances of being killed?

#### WHAT DOES ORGANIZATION MEAN?

One of the friends on that side of the House could substantiate what I am going to say now. I know an assault that was made on a Confederate fortification where the walls were almost perpendicular, when the poor boys made scaling-ladders and undertook to scale them. They did it because they were ordered to do it. Many were killed in attempting it. Have you never heard of a "forlorn hope?" Have you never read of the charge at Balaklava? What does organizing an army mean? Does it mean that every man can carry an umbrella over his head and cover himself in armor and stay five miles away from the enemy? Is that the understanding? No such thing. Why, sir, there are plenty of soldiers who are proud to be permitted to lead a forlorn hope. If they come out alive it is glory enough for them during their lives. But this man must be excused, with over 12,000 men, for not attacking when he was ordered to attack, for not moving, for doing nothing but making coffee and lying down and sleeping that night until he was



ordered peremptorily to march on to the battlefield next morning with his forces and report in person.

WHY GENERAL POPE ISSUED THE ORDER.

Why was that order issued? General Pope swears he issued that order to Porter because he could not get any order obeyed that he had tried: he seemed indisposed to obey any order at all; hence he (General Pope) ordered him to report in person to him next morning on the battlefield, which he did. Did he comply with that order? That order was to report to Pope with his whole command. He reported next morning with a part of his command, left two of his brigades out, and one of his brigades, left out the whole day, was never in the battle at all. One of them, however, followed on and went in without orders.

Men are trying to excuse this man now because twenty years have passed away, and because, forsooth, he was a soldier of a certain class. The very men who are trying to excuse him to-day would have taken any man's head off that would have left them in the same manner if under their command, and to my certain knowledge more than one military head in such a case did come off for disobeying orders less willfully than this man did. I could name them.

[Here the honorable Senator yielded to a motion that the Senate proceed to the consideration of executive business.]

Wednesday, January 3, 1883.

Mr. LOGAN. Mr. President, I shall have to ask the Senate to bear with me very patiently this morning, for a time at least, as I shall have to be very deliberate, for the reason that last night I was very ill during the whole night, and being without sleep I do not feel much like exerting myself. However, I desire to complete what I have to say to-day. I do not see the Senator from New Jersey [Mr. SEWELL] in his seat.

The PRESIDENT *pro tempore*. The Senator from New Jersey was in his seat a moment ago.

CORRECTING A MISTAKE.

Mr. LOGAN. Let a page ask him to come in, because I want to settle a question in dispute with that Senator right here before I proceed. [Mr. SEWELL entered the Chamber.] I desire to call the attention of the Senator from New Jersey to one fact. It is an immaterial one, however, but inasmuch as we always like to be correct in our statements, I wish to call his attention to a statement that he made yesterday evening in asking me a question. I stated in my argument that at the time Fitz-John Porter received the order to "push forward on to Gainesville or else we would lose much"—that is about the language—after receiving the order in the morning to move to Centreville, he put his column in motion in the direction of Centreville, and when this order had changed it to Gainesville, he had proceeded only as far as Manassas. I made the distance from Manassas to Gainesville eight miles, and from Bristoe Station, where his camp was, to Dawkins Branch three miles. The Senator stated that he had gone as far as Centreville, five miles further, and received the order there.

Mr. SEWELL. If the Senator will allow me, I said he had gone in the direction of Centreville, at the head of his column, two miles beyond Manassas.

Mr. LOGAN. It is immaterial, but the Senator said Centreville. I made the remark—and he will find it reported in our remarks—that if

Fitz-John Porter had gone to Centreville that morning I had read the evidence wrong and I had misunderstood it.

I will call the Senator's attention to the facts, to what the evidence shows, and to what Fitz-John Porter says himself. He says in his application for a review or re-examination of this case that he had gone as far as Manassas; that he was at the head of his column; that there he met General McDowell, and that he and General McDowell engaged in a conversation for nearly an hour; but he turned his column and they moved in the direction of Gainesville, and that when he came up to Dawkins Branch Morell had deployed his skirmishers, at half after 11 o'clock. I will quote exactly what Fitz-John Porter says himself.

Mr. SEWELL. That is correct. The head of Porter's column, in pursuance of the order, was marched to Centreville, on what was known as the Manassas plains, where at the Weir house he met General McDowell.

Mr. LOGAN. At Manassas Junction.

Mr. SEWELL. That is some distance beyond the Manassas Gap Railroad; beyond the station. From there to Dawkins Branch it is five miles.

Mr. LOGAN. I wish to show to the Senator that I was not misquoting the testimony. From Manassas to Gainesville was eight miles; from Bristoe Station, where he camped the night before, was six miles; from Bristoe Station to Dawkins Branch was three miles; from Manassas Junction to Dawkins Branch was five miles. Those are the distances between the different points. But from Bristoe Station to Centreville is six miles; so that in accordance with what the Senator said last night he would have had to travel eleven miles instead of five miles.

Mr. SEWELL. I will say to the Senator that I do not deem that material to the point he is trying to make.

Mr. LOGAN. I understand the Senator. It makes no difference at all; it is not material so far as the order that he was charged with disobeying is concerned; but I simply state it is so that we may have the record correct in reference to what the evidence does show. I do not claim that it is material.

#### ANOTHER STATEMENT THAT SHOULD BE UNDERSTOOD.

Following that I made another statement which I wish now to have understood by the Senator, which was that Fitz-John Porter, in the afternoon about 5 o'clock, wrote a note to McDowell and King, which was received at General Pope's headquarters at 5 o'clock, just at the time that McDowell was going into action, and was read there, showing that Fitz-John Porter had determined to retire to Manassas. The Senator replied in about this language: That there was no such note or it could bear no such construction. In order that we may be correct, I desire to read the note that I had reference to. The note to McDowell and King is in the following language and in my argument heretofore:

GENERALS McDOWELL AND KING: I found it impossible to communicate by crossing the woods to Groveton. The enemy are in great force on this road, and as they appear to have driven our forces back, the fire of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery, cavalry, and infantry, and the advancing masses of dust show the enemy coming in force. I am now going to head of the column to see what is passing and how affairs are going, and I will communicate with you. Had you not better send your train back?

F. J. PORTER, *Major-General*.

Now I ask the Senator what that means?

Mr. SEWELL. It means that he was just carrying out his orders. The order of the previous day from General Pope was to hold his command in such a position that he could withdraw it to Manassas. He held it in that position.

Mr. LOGAN. I merely wanted to get the idea of the Senator.

Mr. SEWELL. Hearing the firing and the falling back, he supposed he was in duty bound as the officer commanding the corps to move to Manassas.

Mr. LOGAN. But he did say, however, that he determined to withdraw to Manassas. The Senator agrees to that?

Mr. SEWELL. But I would add, supplementary to that, that he did not do it.

Mr. LOGAN. That is not the question that was between us. The Senator said there was no such language used, and I read it and ask him what it means? Porter says, "I have determined to withdraw to Manassas."

Mr. SEWELL. Does the Senator desire to convey the impression to the Senate that it was the individual action of that man at that time, and is not coupled with the order to Fitz-John Porter requiring him to be in a position to retire?

Mr. LOGAN. He never had any such order. If the Senator will listen to me I will state to him exactly what the position was. The joint order which the Senator tries to confine me to (which is not the order I am discussing; I am discussing the 130 order), which is the joint order to Porter and McDowell, required them not to go beyond a certain distance on the road to Gainesville, so that they could that night, if necessary, fall behind Bull Run. The Senator well knows, if he will examine the map, that Manassas Junction is not behind Bull Run.

Mr. SEWELL. It is in the direction of Bull Run.

Mr. LOGAN. I beg the Senator's pardon; I state it as it is. He was to fall behind Bull Run.

Mr. SEWELL. I would state to the Senator from Illinois that I have been up and down that country a hundred times and I probably know as much about it as he does.

Mr. LOGAN. It is very likely. Well, is Manassas behind Bull Run?

Mr. SEWELL. No, sir; it is in the direction of Bull Run.

Mr. LOGAN. That is what I was saying, is it not?

Mr. SEWELL. It was the line of the retreat of Porter.

Mr. LOGAN. I say it is not behind Bull Run. He had no orders to fall back to Manassas. He had an order of this kind, that they should go on the road to Gainesville and make a connection with the left of Pope's army, and to make that connection in such a way that if necessary they could fall behind Bull Run that night. Is not that so?

Mr. SEWELL. Yes.

Mr. LOGAN. Manassas was not behind Bull Run. Bull Run was over to the right, and to get behind they would have to go down the Warrenton pike, just as I said last night. This is entirely a different road, going in a different direction, not going toward Bull Run. Bull Run was over to the right, Manassas over here, Groveton over here. [Indicating.]

Mr. SEWELL. Does the Senator from Illinois wish to convey the impression that you could not get to Bull Run by Manassas?

Mr. LOGAN. No, sir; I do not wish to convey any such impression.

Mr. SEWELL. And that that was not the only road open to General Porter at the time?

Mr. LOGAN. I do not wish to convey any such impression, and if the Senator will allow me I will show him exactly what I do convey or try to convey. I try to convey the impression that this was not the road that he was directed to fall back on, if he had to fall back, but it was a different road so as to bring them behind Bull Run. That is the impression I am trying to convey, for the reason that Manassas is not behind Bull Run; Centreville is. When the Senator says he was obeying an order he must know better. But, as I said, this is not the order that I am discussing. I only refer to this for the purpose of setting myself right and for the purpose of placing the testimony fairly before the Senate.

PORTER FELL BACK FROM THE FACE OF THE ENEMY.

One other point in reference to this falling behind Bull Run. Does the Senator pretend that these troops were required to fall behind Bull Run that night? It was only if they had to fall back that they must do it; they must keep that in view; but they were not required to do it; they had no orders to fall behind Bull Run. And when the whole army of Pope was engaged in battle, when none of them did fall behind Bull Run, but remained on the battlefield and fought the battle of the 30th, south of Bull Run, not behind it, will the Senator claim that Porter must fall behind Bull Run anyhow when the whole army was engaged and none of them went back? Is that the proposition? If that is the construction of this order, that construction would have put the whole army back behind Bull Run that night, for it was intended when this order was given that the whole army might fall back behind Bull Run if it had to fall back.

Mr. SEWELL. The Senator from Illinois should tell the Senate that General Porter did not fall back; that he was in preparation to do it.

Mr. LOGAN. If I was to tell the Senate that I should tell them a falsehood; therefore I will not tell them so, because Griffin's brigade of Porter's command, under his orders, fell back near to Centreville that night, and Sturgis's brigade, under his positive orders, fell back to Manassas Junction for the purpose of taking up a defensive position. So I will not say that he did not fall back. I say he did fall back from the face of the enemy.

Mr. SEWELL. Will the Senator from Illinois produce from the testimony any order to those brigades to fall back? Was it not one of those peculiar things which occur in movements of that kind, hasty concentration, where orders mislead commanders when they are moving among a wooded country? Is there anything to show that they were ordered back?

Mr. LOGAN. We shall see whether there was or not. It is a good deal of trouble to find the evidence all the time, but still I shall do it as I go along.

Mr. SEWELL. That is not material. I will say to the Senator from Illinois.

Mr. LOGAN. I think it is material, and I will find it. I have no memoranda; it would have been better for me perhaps if I had made some so that I could find the evidence more easily.

"FOR THE PRESENT LET THEM LIE THERE."

Now if the Senator will listen I will read to him what General Sturgis swears on page 688, volume 2 of the board record. He says he went a mile and a half beyond Bethlehem toward Gainesville.

I reported to General Porter. I rode in advance of my brigade. I found troops occupying the road, and I got up as near as I could get and then halted my com-

mand, and then rode forward to tell General Porter that they were there. He said, "For the present, let them lie there."

Question. What did you do then individually?

Answer. Well, I simply looked about to see what I could see. I was a stranger to the lay of the land and the troops and all that; so without getting off my horse I rode about from place to place watching the skirmishers, and among other things I took a glass and looked in the direction of the woods, about a mile beyond, which seemed to be the object of attention—beyond the skirmishers; there I saw a glint of light on a gun; and I remarked to General Porter that I thought they were probably putting a battery in position at that place, for I thought I had seen a gun.

Q. State what the conversation was.

A. I reported this fact of what I had seen to the general; he thought I was mistaken about it, but I was not mistaken, because it opened in a moment—at least a few shots were fired from that place—four, as I recollect.

Q. What force of the enemy did you see in that direction at that time?

A. I didn't see any of the enemy at all.

Q. Then what did you do?

A. Then when they had fired, as near as I can recollect, about four shots from this piece, General Porter beckoned to me; I rode up to him and he directed me to take my command to Manassas Junction, and take up a defensive position, inasmuch as the fire seemed to be receding on our right, and I did so.

Now, is it proven?

When I assert here that Fitz-John Porter ordered part of his troops back, the Senator says there is no such evidence. Here is General Sturgis swearing most positively that General Porter told him to take his troops back. Where? To Manassas Junction, and take up a defensive position.

Mr. SEWELL. I ask the Senator from Illinois if General Sturgis was a part of the Fifth Corps? I merely ask for information.

Mr. LOGAN. I do not remember whether he was part of the Fifth Corps or not. What has that to do with it? If ever there was a case of quibbles this is one on the part of Porter and his friends.

Mr. SEWELL. My impression is that he was not, but I may be mistaken.

PORTER DID NOT BELIEVE IT.

Mr. LOGAN. That only shows the quibbles that gentlemen will resort to. General Sturgis says that he was ordered to report his brigade to Porter that day, which he did do. By that report he became a part of Porter's command; and when he reported to him and found that a battery was being put in position, and told Porter so, Porter did not believe it. What did Porter tell him to do? To retire, to go back to Manassas and take up a defensive position.

Mr. SEWELL. Will the Senator from Illinois say to the Senate that under the circumstances, General Porter lying with 9,500 men inactive on the left of the line, even if he did order General Sturgis to Manassas, he was not better able there to support General Pope's army than he could possibly be where he was?

Mr. LOGAN. The Senator can make that argument for himself; I shall not make it.

Mr. SEWELL. If the Senator from Illinois is fair in his ideas, the map will show that if Porter had ordered the whole command back there he would have been better off.

Mr. LOGAN. It does not make any difference what the judgment of the Senator is. The Senator seems to have become very uneasy, very restless this morning. I said that Porter ordered part of his troops back to the rear, and so he did, and not only the troops of General Sturgis but Griffin's brigade. Was Griffin's brigade a part of Porter's command?

Mr. SEWELL. Yes.

Mr. LOGAN. The Senator says it was. How did Griffin's brigade

come to go clear back to Centreville that night? Did it go without orders?

Mr. SEWELL. I think it did.

Mr. LOGAN. The evidence shows to the contrary. That is all I have to say about that. It is very strange if a brigade commander would leave and go back some nine miles without any orders whatever. He shows what his orders were in his own testimony.

"WE CAN NOT WITHDRAW WHILE M'DOWELL HOLDS HIS OWN."

It shows that General Porter intended not to fight, but to retire; he intended to withdraw his command, and the only reason he did not retire with his whole command was, as I read last night, when Morell said I think we had better retire, Porter said in writing to him, "We cannot withdraw while McDowell holds his own." That is the language of the evidence, showing his intention to withdraw, but he was afraid to do it while McDowell was holding his own, but the very moment he found the fire going to the rear, receding on our part, then he was ready to withdraw.

Mr. President, in this case I put into my remarks heretofore Heintzelman's diary, but I now wish to examine it in a somewhat different light in view of what has been said by the Senator in reference to Porter's orders as he, the Senator, construes them. I will read again what he says for the benefit of the Senate, although I very much dislike to go over the same ground twice in my remarks, but I hope I will be pardoned for it in this instance:

Question. Now, will you be good enough to read what you made notes of on the 29th of August, as to the events of that day?

The witness read as follows:

General Heintzelman's memorandum:

"Kearney did not get off till after daylight. We are all detained by him. There is a heavy cloud of dust on the road to Leesburgh, upon which the rebels are retreating or rather advancing. It is now a quarter past 7 a. m.; arrived at the bridge at 9 a. m. Firing commenced some two hours ago and has just ceased."

Mark that. This was 9 o'clock. The firing commenced two hours before, at 7 o'clock; as early in the morning as the firing commenced.

"General Kearney was at the right. Part of General Hooker's division I sent to support some of Sigel's troops. General Hooker got up about 11 a. m.; General Reno nearly an hour later. Soon after, General Pope arrived—about quarter to 2. I rode to the old Bull Run battlefield, where my troops were. The enemy we drove back in the direction of Sudley's Church, and they are now making another stand. We are hoping for McDowell and Porter."

Mark the language: "We are hoping for McDowell and Porter." That was at 2 o'clock. Hoping for what? That they would attack. What else?

"I fear we will be out of ammunition. We have sent for it. At 3½ p. m. our troops driven back. At forty-five minutes past 3 McDowell's troops reported arrived.

Arrived where? From Dawkins Branch, where McDowell left Fitz-John Porter back by Bethlehem Chapel, and by that road to Sudley Springs, on which they had traveled some miles, and at 3 o'clock, two hours from that time, they arrived on the field, marching about five miles around to the rear.

"Firing closed at fifteen minutes past 4. At half past 4 General Reynolds's troops arrived. Five p. m. our troops engaged on the enemy's right."

Remember the enemy's right was up at Groveton. That is where Longstreet came in. That was the right of Jackson at that time.

"Twenty minutes past 5 p. m. musketry firing commenced on our center. General Kearney has held his position. Forty-five minutes past 5 General McDow-

ell on the field at headquarters. Heavy firing on our center. Kearney reports he is driving the enemy back. General Porter reports"—

"I AM GOING TO RETIRE ON MANASSAS."

Now, mark this language. General Porter at 5.15—this is the time they got the note from him—

"General Porter reports the rebels driving him back, and he retiring on Manassas."

The very note I read awhile ago, which was sent to McDowell and King, saying "a heavy force in my front; I am going to retire on Manassas;" that is the note which was received at Pope's headquarters at 5.15, as here noted by General Heintzelman:

"Twenty minutes past 6 very heavy musketry and artillery. McDowell's troops just entering the battlefield. Kearney on the right, with General Steven's troops, and our artillery drove the enemy out of the woods they temporarily occupied. The firing continued until after night, but left us in possession of the battlefield."

I desire to call the attention of Senators to this particular point: At 4.30 o'clock General Pope issued his order to Porter to attack the enemy on his right or rear. At 5 o'clock Heintzelman shows that McDowell's troops were on the field, not engaged in battle, but on the field. They got ready to attack. Heintzelman says they attacked at 6 o'clock. This note came from Porter at 5.15, showing that he was retiring on Manassas. Pope had issued at 4.30 an order to him to attack at once, to attack the enemy's right and rear, or to attack at once. At the very time this order was being written Porter was writing a note saying he was going to retire. He received this order. The evidence of Douglas Pope and two other persons who were with him was that this order was given at 5 o'clock to Fitz-John Porter. Porter says he did not receive the order until after 6, but the evidence shows he did. But no matter. When he received the order what did he do? Instead of saying to General Sykes, instead of saying to General Morell, instead of saying to General Griffin, instead of sending for General Sturgis, instead of saying to any of his generals, "I have an order to attack at once," he puts it in his pocket and smothers it from their knowledge.

Mr. SEWELL. Will the Senator allow me to interrupt him there?

Mr. LOGAN. Certainly.

Mr. SEWELL. Will he give some proof as to the time of the receipt of that order? The whole evidence is against him; that that order was received at half-past six, or near sundown.

Mr. LOGAN. Where does the Senator get his information?

Mr. SEWELL. I will give it after the Senator is through.

Mr. LOGAN. What does Douglas Pope swear about it? He took the order; he delivered it. When does he say he delivered it? Will the Senator state?

Mr. SEWELL. What did several other officers who conversed with Douglas Pope afterward say in relation to what Douglas Pope subsequently stated?

Mr. LOGAN. But what does Pope say was the time he delivered the order?

Mr. SEWELL. I do not remember.

Mr. LOGAN. At 5 o'clock.

Mr. SEWELL. But from the character of Douglas Pope it is very hard to believe what he would say. His character for veracity is not very good.

THE MEMORY OF DOUGLAS POPE DEFENDED.

Mr. LOGAN. Mr. President, the character of Douglas Pope for

veracity was not very good! I knew Douglas Pope better than the Senator. He was born and raised in my State. He is dead now, and you may assail him; but his record was as reputable as the Senator's record.

Mr. SEWELL. I will say to the Senator from Illinois that if I had known that, I should not have made the statement.

Mr. LOGAN. The Senator ought to have known it, for it has been published all over the country, and he knows that this board assailed him after he was dead: at least the Senator ought to know it. It is very easy for men to assail the character of other men in order to cover up the wrongs of this man, Fitz-John Porter. Douglas Pope was an honorable man. He swears to these facts, and two witnesses, who were with him, swear the same that he does. But inasmuch as the Senator wants it all, if he desires the flood-gates to be opened and all the proof to be told, he can have it. The gentlemen engaged in this plan of working up the restoration of Porter sent a man to Columbus, Ohio, and paid one of the witnesses to go and see him and try to persuade him that he was mistaken about the time Pope delivered this order. The evidence shows that your attorneys went so far as to try to get witnesses to swear falsely in order to blemish the reputation of this man, Douglas Pope.

Those who are dead must be assailed. Why, sir, it is a matter commonly known to all that the absent and the dead are always wrong, but the present and the living are always right. It is always easy to build up a story when the man who could controvert it is dead. It is always easy to make a statement in reference to certain matters when the man who could controvert it is absent. Therefore the absent and the dead are always wrong and the present and the living are always right. The same attempt has been made in regard to Lincoln and Garfield in this very case, and I refuted that in the opening of my argument. If your man has no better ground to stand on than to try and cover up the good name of the dead and smirch it, he has a light basis to sustain him before the country. It is true that other witnesses give a later date for the delivery of the order, but whether this order or some other communication is unknown. The officers of Porter who were present did not see the order. He, Porter, concealed the contents of the order. General Sykes, one of his division commanders, so testifies.

#### LONGSTREET'S FORCES ENGAGED IN THE BATTLE THAT DAY.

Last night, when I made the statement that Longstreet's forces were engaged on the 29th, the Senator from New Jersey denied it. He said they were not engaged, and that if I could prove it I would put the chief commander in a very bad position. As I said then, I was not discussing the chief commander, but discussing the conduct of Fitz-John Porter. The truth is, the evidence when taken all together shows that the confederate testimony, at least as to the time of arrival of Longstreet on the battle-ground, is doubtful; it disagrees very materially with the evidence on the other side showing the position the troops occupied near Groveton and by Lewis's lane and by the Leachman house. At the time Fitz-John Porter made his first defense, as the Senator well knows, he claimed that there were only ten or fifteen thousand troops on his line that he would have had to engage. Now he claims that there were 25,000. It was immaterial whether there were 25,000 or 50,000. I said last night that a portion of Longstreet's corps were engaged and that much of Lee's army had not arrived on the field of battle on the 29th, but arrived there on the night of the 29th and the morning of the 30th, which the evidence does show, and their own statements



show that several thousand troops, with many batteries, arrived on the field that night after the battle of the 29th was over. When the Senator says none of Longstreet's troops were engaged in the battle of the 29th, if he will only turn to the evidence, turn to Longstreet's corps and see what troops Longstreet commanded—

Mr. SEWELL. Now, will the Senator allow me to interrupt him again?

Mr. LOGAN. Certainly.

Mr. SEWELL. I did not intend to convey the idea that none of Longstreet's corps were there. I know part of it was with Jackson, but I say that Longstreet's men as a corps were not engaged on that day. The commanding general did not even believe that Longstreet was present.

Mr. LOGAN. What has that to do with it, whether General Pope believed Longstreet was present or not? The question I say was whether the troops were engaged. You say now that as a corps they were not engaged. It is very seldom that a whole corps is engaged at the same time. The Senator ought to have had experience enough to know that.

Mr. SEWELL. If I said to the Senator at any time that a corps was not engaged, it would not preclude the possibility of there having been a detached brigade engaged in action. When you say the corps was not engaged you mean the whole command?

Mr. LOGAN. But the Senator can see the point. The point is this: If half or a third of Longstreet's corps was engaged down at Groveton, then there would not be 25,000 troops for Mr. Fitz-John Porter to fight. That is the point in the case. Mr. Porter says and you say he would not have been able to whip 25,000 troops. So says another very eminent military chieftain. But I say it is not true, for Longstreet had seven of his brigades engaged from 4 o'clock in the afternoon until 9 o'clock at night, and they staid on the ground until 12 o'clock at night.

The evidence shows that his brigades averaged 2,000 men to a brigade. How many would that leave up by Pageland lane, where Porter was to have attacked Longstreet on the right flank?

#### EVIDENCE FROM GENERAL LEE'S REPORT.

For the purpose of showing the correctness of this position I will read from General Robert E. Lee's report: and the most of the evidence I have produced in this case against Porter is evidence which I have extracted from the reports of the confederates and from the sworn statements of the confederates. Inasmuch as he said he had new evidence by which he proposed to show his entire innocence, I try to employ that new evidence and see whether it is of any benefit to him or not. General Lee, speaking of the 29th, says:

Generals Jones and Wilcox bivouacked that night—

Speaking of the 28th—

east of the mountain, and on the morning of the 29th the whole command resumed the march, the sound of cannon at Manassas announcing that Jackson was already engaged. Longstreet entered the turnpike near Gainesville, and moving down toward Groveton, the head of his column came upon the field in rear of the enemy's left—

That is in the rear of our left—

which had already opened with artillery upon Jackson's right, as previously described. He immediately placed some of his batteries in position, but before he could complete his dispositions to attack, the enemy withdrew, not, however, without loss from our artillery. Longstreet took possession (position?) on the right of Jackson, Hood's two brigades, supported by Evans, being deployed across the turnpike and at right angles to it. These troops were supported on the left

by three brigades under General Wilcox, and by a like force on the right under General Kemper. D. R. Jones's division formed the extreme right of the line, resting on the Manassas Gap Railroad. The cavalry guarded our right and left flanks, that on the right being under General Stuart in person. After the arrival of Longstreet the enemy changed his position, and began to concentrate opposite Jackson's left, opening a brisk artillery fire, which was responded to with effect by some of General A. P. Hill's batteries. Colonel Walton placed a part of his artillery upon a commanding position between Generals Jackson and Longstreet by order of the latter—

That is by order of Longstreet—

and engaged the enemy vigorously for several hours. Soon afterward General Stuart reported the approach of a large force from the direction of Bristoe Station, threatening Longstreet's right.

Afterward General Stuart reported a movement of troops threatening Longstreet's right.

The brigades under General Wilcox were sent to re-enforce General Jones, but no serious attack was made, and after firing a few shots the enemy withdrew. While this demonstration was being made on our right a large force advanced to assail the left of General Jackson's position, occupied by the division of General A. P. Hill. The attack was received by his troops with their accustomed steadiness, and the battle raged with great fury. The enemy was repeatedly repulsed, but again pressed on the attack with fresh troops. Once he succeeded in penetrating an interval between General Gregg's brigade, on the extreme left, and that of General Thomas, but was quickly driven back with great slaughter by the Fourteenth South Carolina Regiment, then in reserve, and the Forty-ninth Georgia, of Thomas's brigade.

I do not care to take up the time of the Senate in reading all this report; but you find it harmonizes all the way through with all these reports, and shows that Longstreet's right was being threatened, not his front; and you can not find anywhere in the reports that Longstreet's front was threatened by Porter, but that his right flank was threatened by Porter, just as Pope tells him to do. General Lee says the right flank was threatened; General Stuart says so; General Rosser says so; General Jones says so; they all say so; and yet Senators would ask us to agree that it was his front that was threatened; that he stood right square out in front of Porter.

Mr. SEWELL. That is rather a fine point the Senator from Illinois makes. The fact was that Longstreet had 25,000 men there, and they were all within supporting distance. When attacked by McDowell, and Porter advanced and Butterfield's brigade was thrown across, that was the time they had to send for Wilcox's division to come up; that was the object of it. Why did those troops go back? They went back because McDowell said to Porter you are too far out to fight.

Mr. LOGAN. That is not the reason they say they went back.

Mr. SEWELL. That is what General McDowell says.

BY PORTER'S OWN ORDER THEY HID IN THE WOODS.

Mr. LOGAN. I beg the Senator's pardon. He will allow me to make my own speech, and he can make his. I assert that they say no such thing. General Lee says that after a few shots were fired the enemy retired. General Longstreet says so; General Stuart says so; they all say so. And how did they retire? The very evidence I read yesterday shows that under Porter's own order they hid in the woods to keep out of sight of the enemy: a part retired to Manassas, a part to Centreville, and the rest hid under the brush. That was the way Porter exhibited his troops that day. As soon as they retired what was the result? Let us examine for a moment, for the purpose of having a fair understanding of this proposition. Lieutenant-General Longstreet says in his report:

Three brigades, under General Wilcox, were thrown forward to the support

of the left, and three others, under General Kemper, to the support of the right of these commands. General D. R. Jones—

General D. R. Jones with his brigade, which was the brigade that came down to the Cole house and threatened Porter, and the only one that ever came there during that day and the only one that staid there, and that was not on the road that Porter was on. That was on the Manassas Gap Railroad, while Porter was on the dirt road to the left of it, at Dawkins Branch. What further does he say?

Colonel Walton placed his batteries in a commanding position between my line and that of General Jackson, and engaged the enemy for several hours in a severe and successful artillery duel. At a late hour in the day Major-General Stuart—

Mark the time—

At a late hour in the day Major-General Stuart reported the approach of the enemy in heavy columns against my extreme right.

Mark the language in every one of these reports—against the extreme right. You find nowhere that the approach of the enemy was in his front. In all the reports it is against the extreme right, just as Pope's order would have brought him if he had moved forward on the road in the right flank of Longstreet.

- I withdrew General Wilcox, with his three brigades—

About 6,000 men.

I withdrew General Wilcox, with his three brigades, from the left and placed his command in position to support Jones in case of an attack against my right.

Not against his front, but to support Jones in the attack against his right.

After some few shots the enemy withdrew his forces, moving them around toward his front, and about 1 o'clock in the afternoon began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former position, and Hood's two brigades, supported by Evans, were quickly pressed forward to the attack.

#### A POINTED QUESTION.

How many was that? Wilcox's three brigades, Hood's division, and Evans's brigade moved to the attack at Groveton, 14,000; to make it as small as could be we will say some 12,000 men were withdrawn from Longstreet's corps and assaulted our troops at Groveton or near Groveton, leaving him back with Jones's brigade; and his whole force left back that were not engaged in the battle were not as many as Porter had at that time lying in the road. I want gentlemen to tell me how it is that they insist all the time that there were 25,000 troops in front of Porter when Hood's division, Wilcox's division, and Evans's brigade, and Kemper's brigade did march at 1 o'clock and attack our troops near Groveton, and the reports of Wilcox, of Hood, and all these men show that they staid in that position until 12 o'clock at night. If they staid there until 12 o'clock at night, during the time from 1 o'clock until 12 o'clock at night of the 29th General Longstreet had no forces near Porter except the remaining part of his corps, which could not have amounted to over 10,000 or 15,000 men, and with his flank extending toward Porter.

Gentlemen try to excuse this man Porter, with 12,500 men, according to the reports, from attacking not the same number or near the same number as his own when the flank was exposed and it was not a front attack. This is the most astounding thing to me I have ever known, that one minute they will insist that Porter thought there were 10,000 or 15,000 troops in his front and he was afraid to attack those, and then a great chief will come up and put the lines square in front and tell you there were 25,000 men there ready to drive Porter

right in the front. Then when you read the report of Lee, of Longstreet, of Stuart, of Rosser, of Hood, of every one of the confederates—and I have their reports right here—they every one show that the corps of Porter was on Longstreet's flank, and they show that Longstreet had in the battle of Groveton from 4 o'clock that evening until 12 o'clock that night, when they were brought back on the road toward Haymarket, over 12,000 troops engaged with Pope's command at Groveton which were drawn from his corps; and yet they insist that Porter would have had to attack 25,000 men after he got the 4:30 order.

#### THE POSITION OF STUART'S CAVALRY.

Now let me read from General Stuart's report. The Senator well knows from the history of that battle that General Stuart was in command of the confederate cavalry. General Stuart shows in his report that he was on the extreme left in the morning, which would be Jackson's extreme right; that after Longstreet came on with his troops a portion of them were moved over to the right of Longstreet. In fact Robertson's brigade of cavalry were thrown out there to guard Longstreet's right, and this cavalry was that which was in front of Porter and nothing else. I should like to read part of Stuart's report to show that it exactly confirms the reports of these other gentlemen, showing that the right flank of Longstreet was threatened at one time during that afternoon. Speaking of the 29th General Stuart says:

I met with the head of General Longstreet's column between Haymarket and Gainesville, and there communicated to the commanding general General Jackson's position and the enemy's. I then passed the cavalry through the column so as to place it on Longstreet's right flank, and advanced directly toward Manassas, while the column kept directly down the pike to join General Jackson's right.

Mark that language. They moved forward with the cavalry on the right, and Longstreet came down in the direction of Jackson's left, which was the turnpike in the direction of Groveton, two miles and a half away from where Porter's troops had position.

General Robertson, who with his command was sent to reconnoiter further down the road toward Manassas, reported the enemy in his front.

That was the cavalry I spoke of, Robertson's.

Upon repairing to that front I found that Rosser's regiment was engaged with the enemy to the left of the road, and Robertson's videttes had found the enemy approaching from the direction of Bristoe Station toward Sudley. The prolongation of his line of march would have passed through my position—

What position? Stuart's position. What troops did he have? Cavalry, nothing else—

which was a very fine one—

The position was a very fine one—

which was a very fine one for artillery as well as observation, and struck Longstreet in flank.

Now, what does he say? The continuation of these troops on the line they were marching would have passed through Stuart's line of cavalry, and done what? Would strike Longstreet in the right flank.

I waited his approach long enough to ascertain that there was at least an army corps, at the same time keeping detachments—

Mark this, and I want the Senator from New Jersey to explain this if he desires to explain it—

at the same time keeping detachments of cavalry dragging brush down the road from the direction of Gainesville, so as to deceive the enemy (a ruse which Porter's report shows was successful, and notified the commanding general, then

opposite me on the turnpike, that Longstreet's flank and rear were seriously threatened, and of the importance to us of the ridge I then held.

He says that he dragged brush up and down the road, a ruse that proved successful, because Porter afterward, in his report, reporting the dust, shows that the ruse did prove successful; and if his line had been extended he would have struck Longstreet on the right flank. There was a good position for artillery. So, too, in the evidence you will find that after that a couple of pieces were brought down to what is called the Cole house, where a few cavalry went across and fired a few shots into the column of Fitz-John Porter.

#### LYING UNDER THE SHADE OF A TREE ALL DAY.

This commanding general on that day, with from twelve to fourteen thousand men, not less than 12,000, refused to obey an order to attack, the Senator says, because it was too late to attack. Is that the excuse, that it was too late to attack? He received the order, the evidence shows, at not later than 5.30—he claims that he received it at 6.30. He received the order at the time Douglas Pope says he delivered it to him, 5 o'clock, put it in his pocket, and what did he do? Does he order his whole command out? Does he order the troops that had their arms stacked to take arms and move forward? No, sir. He sends a note to Morell to send two regiments out to the front. He had barely got a portion of the regiments deployed when Porter orders him back into camp, and then says he is to go into camp for the night. This was the manner in which this order was obeyed, he himself being two and a half miles from the head of his column all day, lying under the shade of a tree, pocketing the order when it was sent to him, giving no notice to his generals whatever that he was required to make an attack at once, moving a few troops across the branch and then withdrawing them; and General Butterfield, as I mentioned yesterday in my argument, whose sworn evidence I have here, states that he moved across that branch with his brigade and when he got it on the hill he was asked if he was going to attack the enemy by himself and said "No;" he looked around and his brigade was gone; he went back and desired to know what was the matter and was told by the officer in command that he was ordered to retire. That is the evidence of General Butterfield, one of Porter's division commanders. That day when he went out to attack the enemy with a brigade or to feel the enemy, his troops were ordered away from him while he was in front and he was left with one staff officer to attack the enemy.

#### A VERY SINGULAR HISTORY.

Sir, you may take this case from one end to the other, and it has the most singular history of any case that ever occurred during any war. It shows that this man intended from the first that Pope should never succeed. He went just far enough to make a pretense of obeying orders without obeying them; just far enough only to have it understood that he tried in some degree to obey orders, but in this instance he tried in no degree. He refused to obey the order, refused to move forward. Suppose it had been 12 o'clock at night. I remember a little incident that occurred once during the war showing what a man may do after night. At Resaca there was a line of troops—probably the Senator from Georgia knows the situation of Resaca—opposite fortifications in the direction of a bridge that ran across the river. I suppose the Senator from Georgia remembers the bridge?

Mr. BROWN. Yes, sir.

Mr. LOGAN. This line ran down to protect the fortifications, throwing a wing down in the direction of the river. They were occupied by a few troops, I do not know how many. A brigade under General Charles Woods, a brother of Judge Woods, of the Supreme Bench, who was in my command at the time, was ordered to assault those works at 9 o'clock at night. He moved his brigade in the dark and got under cover of a little stream, and assaulted them at 9 o'clock at night and took the works. Will a man tell me, when a small brigade can assault breastworks at 9 o'clock at night, when no moon was shining—for it was a darker night than the one in question—that it is an excuse for an officer who receives an order to attack at once, that it is too late for him to attack? Why was it not too late for Longstreet's forces to attack Pope's forces near Groveton? Was it too late for McDowell's troops to go into action at 6 o'clock and continue until 9 o'clock? Was it too late for troops to be moving that night at 11 o'clock and 12 o'clock when these two commanders, General Wilcox and General Hood, both report that they moved between 11 and 12 o'clock back on that road in the direction of Haymarket on the night of the 29th? Then you tell me it was too dark for this man to attack! Was it any worse for him to attack than it was for the other side? This reminds me of one peculiar feature that is always the case in war: A soldier who commands an army, or part of an army, who has full opportunity to manage his troops, the next morning after a battle, if you ask him as to the condition of his troops, will tell you, "They are cut all to pieces." I have heard it a hundred times: "My troops have been cut all to pieces." You will hear that from commanding officers of regiments, of brigades, and of divisions. But suppose you ask the question: "What do you think is the condition of the troops on the other side?" and the reply will be, "Cut all to pieces." But he does not think of that; he only thinks of his own troops: he does not think of the condition of the other side.

"TOO DARK TO FIGHT."

So it is with the arguments of Senators on the side of Fitz-John Porter. They say it was too dark for him to fight, too late for him to fight. It was just as late for the other side, just as difficult for the other side. If he had attacked them on the flank—and I would have much preferred to attack them in that way in the dark with 12,000 troops than to attack them at any other time—would it not have been as bad for the enemy? According to Porter's own statement, to the left of his line, off in that direction was open country. The country that he claims he could not pass through was off to his right; but off to his left, he says in one of his statements, it was open country. He could have moved around the very position; the country was open for him to move around and assault the right flank of Longstreet.

On the 29th of August, 1862, as shown by the almanac, the sun set at 6.36 p. m. If it was sundown no sooner than 6.36, there is not a man in the Senate Chamber but what knows, unless it was a rainy night or a very cloudy night, or something of that kind, that it was daylight. I might say almost up to 8 o'clock. There was nothing in the world in the month of August at that time, when the sun set at 6.36, to prevent the movement of troops for two hours later than the time he claims he received this order. If he could not have done any better he might have sent part of his command. If he had even lost a part, if they had been captured, it would have been carrying out the order to some extent, it

would have been showing his desire at least to feel the enemy; but he did not even do that. The only order he gave after receiving this order was to put his troops in position at once to attack, and the very moment the order was given, before the two regiments were put in position, he gave an order for them to come back and go into camp for the night.

That was the manner in which he obeyed the order; and yet we are told that he did not disobey this order; that he did not violate the order; that he ought to be excused; that he was wrongfully convicted; that Mr. Lincoln did wrong in signing the warrant to convict him; that Garfield did wrong on the court-martial to convict him; that everybody has been wrong ever since except the few people who lately have got very sentimental and begin to talk about time, about twenty years having passed. True, twenty years have passed, and if it was left to me one hundred and twenty years would pass before ever I would reverse a court-martial that had the facts before them as that one did that excited the country in reference to the wrongs that this man had perpetrated upon our Army.

If Porter was loyal to Pope and obeyed his orders, what induced McClellan to write the following letter, which if it proves anything clearly demonstrates that Porter was disloyal to Pope and disobedient to his superior officer? This must be the settled conviction of every one who reads this testimony:

WAR DEPARTMENT, *September 1, 1862*—5.30 p. m.

I ask you for my sake, that of the country, and of the old Army of the Potomac that you and all friends will lend the fullest and most cordial co-operation to General Pope in all the operations now going on.

The distresses of our country, the honor of our arms are at stake, and all depends now upon the cheerful co-operation of all in the field. This week is the crisis of our fate. Say the same thing to all my friends in the Army of the Potomac, and that the last request I have to make of them is that for their country's sake they will extend to General Pope the same support they ever have to me. I am in charge of the defenses of Washington. I am doing all I can to render your retreat safe, should that become necessary.

GEORGE B. McCLELLAN,

*Major-General,*

Major-General PORTER,

*Centreville, Commanding Fifth Corps.*

I call attention also to the evidence of Surgeon Faxon, who swears that Porter said on the march to Dawkins Branch that "he did not care a damn whether he got there or not;" also the evidence of Lord and Ormsby, who swear that Porter said then that "he was not loyal to Pope."

Why, sir, when years pass by why is it that crimes are forgotten, wickedness is covered up, wrongs wiped out. On the principle that you ask this Senate to vote to-day in reference to this court-martial proceeding you would acquit every deserter in the Army, you would acquit every man arraigned before a court-martial for a violation of an order. Whenever you proved that he violated the order he would come up then and say, "Well, it was dark; the enemy was too heavy in my front; there was a log in the way that I might have fallen over; there was a dry branch that I might have got drowned in while moving across." All these things would come up, perhaps. Here we have deserters every day; hundreds of them are deserting; under the law they can be court-martialed and shot. I do not say that I want anything of that kind done, but that is the law; they can be punished in other ways, by sending them to prison, which is done.

## FITZ-JOHN PORTER TOOK AN OATH TO OBEY ALL LAWFUL ORDERS.

But, now, if you excuse Fitz-John Porter—for this is excusing him; this is reversing the court-martial; this is deciding that he was not guilty—then I ask you why not excuse all these private soldiers? They do nothing but violate an order; that is all. They violate their oath just as Fitz-John Porter did, because Fitz-John Porter took an oath to obey all lawful orders from his superior officers; so do the soldiers take the oath. Those who disobey orders are doing just exactly what he did; they are no more guilty than he was. So it is with lieutenants, captains, and other officers. There are one hundred and fifteen officers, who have been mustered out of the service under orders of court-martial with the same punishment affixed to them that was affixed to Fitz-John Porter, that they should not hold any other office of honor or profit.

Now, suppose the Senate releases this man. I suppose these one hundred and fifteen will come and ask you to release them. Why not? They have just the same right to ask it that he has. They have not done it, but probably they will do it. I do not know that they will, but I do not see why they should not. I do not see, if you set this precedent, why any man should be kept out of the Army who has been dismissed from the Army on account of bad conduct.

## THE MILITARY LAW.

Mr. President, there is one thing that I desire to mention to the Senate. The military law, in order to have an efficient army, must be, in the first place, a stringent law, and, in the second place, it must be rigidly enforced and executed. The articles of war that exist in this country to-day are similar to the articles of war in countries where the best armies exist. These articles of war are based on those of ancient Rome, where the best army the world has ever seen was organized.

The only theory of an army is that when organized it must be composed of men who make that their profession, so that when they go into the Army they go with their lives in their hands; they must go without regard to whether they will be killed or die with yellow fever or anything else. They must go into the Army with the understanding that they will go wherever they are ordered. If they are ordered down on the border of Texas when the yellow fever is raging, and there is a necessity for their going there to protect the borders, they must go; that is the rule. If it was left to them, of course they would not go; and the border might be overrun.

So the rule is that an order must be obeyed. It is not a question as to whether the man who obeys the order shall die, be shot, shall never return home again, but the question for him is "How can I obey the order? How am I to do it?" The only way to do it is to try to do it. If it is a lawful order he is bound, at least, to attempt to obey it.

## HE TREATED THE ORDER AS A DEAD LETTER.

So it was in reference to these orders. If this man on the night of the 27th had taken his troops at 1 o'clock and moved them for the six miles when there was nothing on the road, and could not have gotten any further, and it was impossible for him to pass any further, that would have been an excuse to his commanding officer that he tried to obey it, that he started at 1 o'clock; but he did not do it. Hence he did not try to obey the order; he treated the order as a dead letter. So as to the joint order and the 4.30 order, instructing him to push forward



in the direction of Gainesville, and also to attack. If he had gone forward, if he had moved forward until he struck the enemy, had fired into the enemy, and found them too heavy for him, and had to fall back, then there might have been an excuse for it. He could have said, "I tried, but my force was not heavy enough."

If he had fought and been whipped, and come back and said, "I am whipped; I had to surrender, or I had to retreat," that would have been all right; but the idea that a man shall come back and say, "I did not attack because if I had I would have been whipped," is preposterous. No soldier that is fit to command an army will ever make any such excuse. If you allow this to be an excuse for disobedience of orders, you may organize your army just as soon as you choose; you may organize 50,000 or 100,000 men and send them down on the border of Mexico, if we should be in trouble with our sister republic—God knows I hope we never shall be—but if it should be in the sickly season, and you order that army down there with this man excused, with this man restored to the Army, having disobeyed these orders, and every man who chooses to say so says, "I will not go; I will not go because the yellow fever is an obstruction"—why is it an obstruction?—"I shall die; I will not obey the order." You go before a court-martial, and they say the order should be obeyed, but you go before Congress and say, "I could not obey because the yellow fever was so bad; if I had gone there I would have died."

Within a few weeks the Secretary of the Navy ordered the trial by court-martial of a naval officer for leaving his post during the prevalence of yellow fever. The court sentenced him to be dismissed the service and the President approved the sentence. Is he to be restored on this principle? Why not, if Porter is?

Fitz-John Porter says, in substance, "If I had gone in there they would have eaten me up; they would have whipped me; I would have been killed, and many of my troops, and therefore I did not go." Is not the other equally as good an excuse? Suppose you send an army down on the frontier. They undertake to cross the river and go into our sister republic on account of war. An officer says, "I can not cross that river because the enemy has over there 25,000 men; I am not able to contend with those 25,000; therefore I cannot cross the river; if I do I shall be whipped." Suppose General Zachary Taylor, with his 6,000 men at the battle of Buena Vista, when 20,000 Mexican soldiers, armed and equipped, appeared on the hillside to assault him—suppose he had said, "I can not fight them; they are too strong a force."

But Zachary Taylor fought them with 6,000 men, and he whipped them. So with Scott, when the city of Mexico surrendered to him, with the few troops that he had there that morning. One or two Senators who are here present now were there that morning and know that that surrender was made to Scott when he only had a handful of men present. We might go on through history from time out of mind almost to the present day and show that if this had been an excuse wars would not have amounted to anything, but, as once said, would have been "a failure."

Mr. President, I have a summing up of this evidence and much more evidence that I have already prepared which I want to put into my remarks bearing on these points, but I will not take the time of the Senate to read it. I am not strong enough to-day after being so unwell as I was last night to continue much longer; hence I shall pass by this

portion of my remarks and incorporate the summary in the RECORD, if there is no objection to it.

WHY IS THIS CASE DECIDED ON POLITICAL GROUNDS?

In conclusion I want to ask Senators on both sides of this Chamber and I want some one to tell me why it is that when this case comes up it seems to be decided on political grounds. What is there in this case of politics? It is a mere question as to whether this man was properly convicted or improperly convicted. It is not a question that politics should enter into at all. It is the case of a man who was convicted during the war, while a great many of you gentlemen were down South organizing your courts-martial and trying your own officers if they misbehaved. You tried them according to the laws which you considered ruled and governed your army at that time. We tried ours on our side according to the rules which governed our Army at that time and govern it now.

Is it possible that history is going to record the fact that with this man as guilty as he was of violating the orders sent to him, each and every one, upon which he was convicted, that our friends, because they differ with us in politics, because this man is of the politics they are, are going to decide without reference to the facts or without reference to the law that the judgment of this court-martial should be reconsidered, set aside, and this man put back in the Army? There is no other ground on which you can do it. It is a prejudice against the court, against the parties at the time, and nothing else. I hope that does not exist: I hope that will not exist any longer: it should **not**.

I do not think it comes with the best grace for men who tried their own disobedient officers in their own way to use their power and influence to restore officers whom we dismissed from our service in the Army in order to disgrace the courts which convicted them and the President who signed the warrants. I do not think it is policy for men to come here and undertake to reverse that which was done according to fact and according to law. Let those men who were derelict in duty on our side, whom we dealt with, go. They are of no service to you and none to us. They are of no more service to the country. They may serve themselves, but no one else.

I should like to know the difference between restoring this man to the Army to-day and restoring any other man in the United States. If you were asked to restore some men it would cause a good deal of feeling perhaps, because they were dismissed from the service peremptorily. This man was dismissed from the service lawfully and properly. More than that the precedent which you establish in opening courts-martial after twenty years is a very dangerous one. It is a bad precedent, one that will live to trouble those who establish it.

Some say why not restore this man on the ground of mercy. Mercy does not apply to this case. Mercy applies to that which has been done, that is, to the pardoning of this man and relieving him from the sentence which was inflicted upon him which prevented him from holding an office. That has been done as an act of mercy. This is not an act of mercy. This is an act declaring the law different from what it is, declaring the evidence different from what it was, and declaring the court finding and the law and the evidence wrong. It is an act and declaration on the part of the Congress of the United States as a court reversing the decision of a former court.

A PROTEST AGAINST THIS PRECEDENT.

Mr. President, I protest most seriously against the establishment of

this precedent. I protest most earnestly against the establishment of this precedent on lines which have attempted to be drawn heretofore. I protest against the establishment of this precedent because in my judgment it is a reversal of the law as it existed at the time, of the evidence, of the facts as they really were at the time of the finding of the court and as they are to-day. I protest against it further because it is a disorganizing and disrupting influence that will enter into the Army of the United States, which Army is for your protection as well as for mine.

The armies that are now to be used are not against you or against me, but in favor of our country, in favor of the one common Government under which we all live; and in fact to-day we should all take pride in the Army, small as it is, and try to make it efficient; try to make it a grand army; try to make it a brave, a generous, a bold, and a fearless army. We cannot do that by relieving unworthy men from embarrassment, and putting them back in the Army along by the side of men who fought and won their spurs.

Mr. President, this can not be done without, as I said, carrying with it an influence that will be detrimental in its effects upon the Army of the United States. And, sir, let me say to our Republican friends on this side of the Chamber it is but a recent thing that so many lawyers have flocked around the city of Washington for the purpose of engineering a case of this kind; it is but a recent thing that so many men have been brought into play for the purpose of forcing this upon Congress. It is unusual in all its bearings and in all its aspects; it is unusual in the influence that has been worked up and attempted to be brought to bear; it is unusual in the circumstances which now surround us.

#### THE BOYS WHO FELL ON THE BATTLEFIELD OF GROVETON.

With the views I entertain concerning this case, believing as I do that this man disobeyed lawful orders, that he disobeyed those orders with a view of destroying General Pope; that he disobeyed those orders without reference to the effect it would have upon the people of the United States; that he did it for the purpose of having Pope relieved and some one else put in his place who would be more congenial to him (Porter)—believing as I do that this man out of his prejudice against McDowell urged Patterson not to fight Johnston, which lost the first battle of Bull Run; that he refused to obey the first order he received from Pope to move to the field, refused to obey both orders that he received to push forward and attack—believing all these facts to be completely proven by the evidence and knowing the law to be what it is authorizing the court to inflict the penalty of death and when they inflicted the milder penalty—believing that they let this man off with a much less penalty than would have been adjudged had he been tried by a court-martial in any foreign country—with all these facts before me, with the knowledge I had of the generosity of President Lincoln, with the knowledge I had of the big-heartedness of General Garfield, with the knowledge I had of General Hunter, with the knowledge I had of the other officers who sat upon that court-martial, before I would give a vote to restore this man to the Army and let him live the balance of his days on the bounty of the tax-payers of this country, I would go across the Potomac River and kneel down by that tomb on which is inscribed "Here sleep the unknown dead;" I would go among those little white headstones that mark the place where those boys sleep who fell on the battlefield of Groveton on the 29th of August, and I would there in the presence of those whitening bones on my knees pray to Al-

mighty God to forgive me for the wrong that I am about to do to the dead who have gone, and the wrong I am about to inflict on this country, on the law, and on the facts by the restoration of this man to his place as an officer of the Army. Sir, I would stand in the rays of the majestic king of day and appeal to the sainted spirit of Abraham Lincoln, who has gone before us, and say, "Inasmuch as in examining this case you thought this man was guilty and signed the order, and when he appealed to you again on the re-examination of this case you declined to take any action in it, before giving this vote for his restoration to the Army I appeal to you to take my hand and help me through this trouble and forgive me for perpetrating the wrong against your good name."

WRONGS ATTEMPTED ON THE CHARACTER OF PRESIDENT GARFIELD.

Sir, I would turn again and recount the wrongs that have been tried to be perpetrated on the life and character of Garfield in reference to his views on this question. I would turn to him in his silent tomb and say, "While you were in life and health and sound in judgment you gave this verdict, and by a re-examination of the whole record you prepared yourself again to defend that which you had done, but I, on account of the pressure, on account of what has been said by certain military men, am going to do this great wrong for their sake. They are living, you are dead. Oh, kind and generous spirit, forgive me that in my weakness I do your judgment, your conscience, and fair name a great wrong."

*Testimony in reference to the battle of August 29.*

FITZ-JOHN PORTER'S TESTIMONY.

Fitz-John Porter himself gave testimony before the court of inquiry on General McDowell in Washington city. He appeared before that board and gave testimony as follows (page 1010, board record):

Question. (By General McDowell.) Under what relations as to command did you and General McDowell move from Manassas and continue prior to the receipt of General Pope's joint order?

Answer. I did not know that General McDowell was going from Manassas, and I have no recollection of any relations whatever, nor of any understanding.

Q. (By General McDowell.) Was there nothing said about General McDowell being the senior, and of his commanding the whole by virtue of his rank?

A. Nothing that I know of.

Q. (By General McDowell.) What time did you take up your line of march from Manassas Junction for Gainesville?

A. The hour the head of the column left, I presume, was about 10 o'clock; it may have been earlier. Ammunition had been distributed to the men, or was directed to be distributed, and the command to be put in motion immediately.

Q. (By General McDowell.) When you received the joint order, where were you personally and where was your command?

A. I was at the head of my column, and a portion of the command or the head of the column was then forming line in front. One regiment as skirmishers was in advance and also a small party of cavalry which I had as escort. The remainder of the corps was on the road. The head of my column was on the Manassas road to Gainesville at the first stream, as previously described by me.

Q. (By General McDowell.) Please state the order of your divisions, &c., in the column at that time.

A. First, Morell's; next, Sykes's; the other brigade, Sturgis's or Platt's, I know nothing of, having left it, in compliance with orders from General Pope, at Warrenton Junction, with orders to rejoin as soon as possible.

Q. (By General McDowell.) Where was King's division?

A. I left King's division getting provisions and ammunition near Manassas Junction. I gave, personally, direction to General Hatch, in command, to move up as quickly as possible. I did not see General King at all.

Q. (By General McDowell.) The witness says he received an order from General McDowell, or what he considered an order, when General McDowell first joined him, which order he did not obey—will witness state why he disobeyed what he considered an order?

A. The order I have said I considered an order in connection with his conversation, and his taking King's division from me. I therefore did obey it.

Q. (By General McDowell.) What did you understand to be the effect of General McDowell's conversation? Was it that you were to go no further in the direction of Gainesville than you then were?

A. The conversation was in connection with moving over to the right, which necessarily would prevent an advance.

Q. (By General McDowell.) You state you did not think General McDowell's order (if it was once a proper one, and that for that reason you continued your movement, as if you had not seen the joint order. Is the witness to be understood that this was in obedience of what he has stated to be General McDowell's order?

A. I did not consider that an order at that time, and have tried to convey that impression, but it was an expression of opinion which I might have construed as an order; but when General McDowell left me he gave no reply to my question, and seeing the enemy in my front I considered myself free to act according to my own judgment until I received notice of the withdrawal of King.

#### GENERAL POPE'S TESTIMONY REGARDING THE ORDER.

##### General Pope testifies in reference to this order on page 14:

Question. Will you state what orders, if any, you gave to General Porter, on the 29th of August in reference to the movements of himself and his men, and the grounds upon which those orders were based?

Answer. In answer to that question, it will perhaps be necessary for me to state, at least partially, the condition of things on the afternoon of the 28th, and during the night of the 28th and 29th of August, for the reason that the information from the front, upon which the dispositions of the army were made, varied at different periods of the day and night. And it was not until toward daylight in the morning of the 29th that I became thoroughly satisfied of the position of the enemy, and of the necessary movements of the troops to be made in consequence. The orders that I gave to General Porter on the 29th of August, as I remember them, were four. One of them was dated in the night I think; I do not remember the time.

That order I think required him, in consequence of information we had received of the enemy's forces beyond Centreville, to move upon Centreville. But about daylight in the morning I sent General Porter an order to take his own army corps, which was then at Manassas Junction, and which by my order had been re-enforced by the brigade of General Piatt, which had come up there in the command of General Sturgis, and King's division of McDowell's corps, which had withdrawn to Manassas Junction, or to that vicinity, during the night of the 28th, and move forward in the direction of Gainesville.

An hour and a half later I received a note from General McDowell, whom I had not been able to find until that hour in the morning, requesting that King's division of his corps be not turned over to General Porter, but that he be allowed to conduct it himself. I then sent a joint order to Generals Porter and McDowell, directed to them at Manassas Junction, specifying in detail the movement that I wished to be made by the troops under their command—the withdrawal of King's division of McDowell's corps, which during the greater part of the night I had understood to be on the Warrenton turnpike, and west of the troops under Jackson. Their withdrawal to Manassas Junction, I feared, had left open Jackson's retreat in the direction of Thoroughfare Gap, to which point the main portion of the army of Lee was then tending to re-enforce him. I did not desire to pursue Jackson beyond the town of Gainesville, as we could not have done so on account of the want of supplies—rations for the men and forage for the horses.

My order to Generals Porter and McDowell is, therefore, worded that they shall pursue the route to Gainesville until they effect a junction with the forces that are marching upon Gainesville from Centreville—the forces under Heintzelman, Sigel, and Reno; and that when that junction was formed (as I expected it would have been very near to Gainesville) the whole command should halt, it being, as I stated before, not feasible with my command in the condition it was in, on account of supplies, to pursue Jackson's forces further. During the whole morning the forces under Sigel and Heintzelman had kept up a skirmishing with the rear of Jackson's forces, they retiring in the direction of Gainesville. They were brought to a stand at the little town of Groveton, about eight miles, I think, from Centreville; and perhaps five or six miles from Gainesville. When I rode on to the field of battle, which was about noon (having been delayed at Centreville), I found that the troops had been sharply engaged, and were still confronting each other.

General Sigel reported to me that he needed re-enforcements in the front; that his line was weak, and that his troops required to be withdrawn from the action. I told him as I did General Heintzelman, who was present on the ground, that I only wished them to maintain their positions, as the corps of McDowell

and Porter were then on the march from Manassas Junction toward the enemy's right flank and ought in a very short time to be in such position as to fall upon that portion of his line. I desired them, therefore, only to maintain the positions they occupied. We waited for the arrival of Generals McDowell and Porter. At 4 o'clock, or some little after that time (perhaps at half past 4 in the afternoon), finding that neither McDowell nor Porter had made their appearance on the field, I sent an order to General Porter informing him generally of the condition of things on the field, and stating to him that I desired him to push forward and attack the enemy in flank, and, if possible, in rear, without any delay. This order was sent to General Porter about half past 4 in the afternoon.

Finding that General Porter did not comply with this order, and receiving a dispatch which he sent to Generals McDowell and King, stating to them that he was about to fall back or was falling back to Manassas Junction, and that he did so because he saw clouds of dust, showing that, in his judgment, the enemy was advancing on the road he was occupying, and stating that it appeared to him from the fire of the battle that he had been listening to that our forces were retreating and the enemy advancing, and he had determined to fall back to Manassas Junction, and recommend Generals McDowell and King to send back their trains also—receiving this note, purporting to be from General Porter to Generals McDowell and King, I sent an order to General Porter directing him, immediately upon the receipt of the order, to march his whole command to the field of battle, and to report to me in person for orders, stating to him that I expected him to comply strictly with that order.

I put it in such form (perhaps not entirely courteous, because I had understood General Porter, upon two several occasions, to have disobeyed the orders that I had sent him. These are all the orders that I issued on that day and night to General Porter. I will state in addition to what I have already said, that the first of these orders to which I have referred, being subsequently superseded, is not perhaps referred to here. I will also state that the corps of Sigel, Heintzelman, and Reno were formed in line of battle across the Warrenton turnpike, facing to the west, and near the little town of Groveton, or at it, almost at the point where the road from Manassas Junction to Sudley Spring—the Sudley Spring road I think it is called—crosses Warrenton turnpike a little in advance of that road.)

(The judge-advocate stated that the first order, referred to by the witness in his answer to the last interrogatory is not referred to in the specifications, being superseded by a subsequent order.)

Q. Excluding from view the first order given on the morning of the 29th of August, and which directed General Porter to fall back upon Centreville, and which, you say, was superseded by a subsequent order, are or are not the other three orders which you have enumerated in your last answer, given to General Porter on that day, the same which are set forth in the second, third, and fourth specifications of the first charge preferred against him? (Hearing witness the charges and specifications.)

A. (After examining them.) They are the same orders.

Q. Do you mean to say that the order set forth in the second specification, addressed to Generals McDowell and Porter, is the one that superseded that first order?

A. No, sir. There was one sent to General Porter previously to that time, giving nearly the same directions, and which is referred to in that joint order as having been given an hour and a half before. I repeated that order in detail, because I was not sure that General Porter had received the order referred to there as having been sent to him an hour and a half before.

Q. At what hour in the morning was this order issued, addressed to Generals McDowell and Porter, and set forth in the second specification of the first charge?

A. I do not remember distinctly. I think it was somewhere between 8 and 9 o'clock in the morning.

Q. Was there any engagement then pending?

A. Fighting was then going on along the turnpike that led from Centreville to Warrenton—fighting was going on quite sharply.

Q. Did the march of General Porter's command, as indicated in that order, lead him toward that battle?

A. Yes, sir; it led him toward the flank of the enemy.

Q. What forces had he under his command that morning when that order was issued.

A. He had, or should have had, at Manassas Junction the whole of his own corps, which, from his report to me at Warrenton Junction, I understood to be between 8,500 and 9,000 men. I had added to his command the troops forming the brigade commanded by General Piatt; they were to belong to the division of General Sturgis, and I think they numbered about 3,500 men. Their exact strength I do not know. That was the impression I got from General Sturgis.

Q. Was that his entire command?

A. That was his entire command. I understood him to have had from 12,000 to 12,500 men at Manassas Junction.

Q. What was the distance between Manassas Junction and the scene of this engagement of which you speak?

A. Between five and six miles, I think, though I had not been myself over the road.

Q. Do you know the character of the road? Had you passed over it?

A. I had not passed over it.

Q. Did General Porter obey the order addressed to him and General McDowell?

A. I do not know whether he obeyed it; he did not obey it fully; how far he obeyed it I am not able to say; he certainly did not obey the order fully.

Q. If he had obeyed it, would it not have brought him up with the enemy before half past 4 in the evening?

A. Yes, sir.

Q. On your arriving on the battlefield, where was he reported to you to be?

A. I arrived on the battlefield at 12 o'clock, about noon. At 4.30 p. m. nobody on the field knew where General Porter was at all.

Q. Did or did not General Porter obey the second order to which you refer, issued at four and a half o'clock on the 29th of August, directing him to engage the enemy in flank, and, if possible, in rear?

A. He did not, so far as my knowledge of the fact goes.

Q. You have no knowledge of his having made any attack then?

A. I should have known it if he had attacked.

Q. Will you state to the court and describe the condition of the battlefield at that hour and the importance of his obedience of that order to the success of your troops?

A. Late in the afternoon of the 29th, perhaps toward half past 5 or 6 o'clock—about the time that I hoped that General Porter would be in his position and be assaulting the enemy on the flank, and when General McDowell had himself arrived with his corps on the field of battle—I directed an attack to be made on the left of the enemy's line, which was handsomely done by Heintzelman's corps and Reno's corps. The enemy was driven back in all directions and left a large part of the ground with his dead and wounded upon it in our possession. Had General Porter fallen upon the flank of the enemy, as it was hoped, at any time up to 8 o'clock that night, it is my firm conviction that we should have destroyed the army of Jackson.

Q. You have stated that General McDowell obeyed that order so far as to appear upon the battlefield with his command?

A. Yes, sir. He arrived on the battlefield, I think, about 5 o'clock, and immediately pushed forward his corps to the front; the division of General King having a very sharp engagement with the enemy along the Warrenton turnpike, in advance of the position that we had occupied during the day.

Q. To reach the battlefield, had or had not General McDowell as great a distance to march as General Porter?

A. Yes, sir; I should think fully as great.

Q. I believe you have stated the distance from Manassas Junction to the battlefield as about four or five miles?

A. Five or six miles; I am not quite sure; that is my impression.

Q. Is or is not that about the distance which the command of General Porter would have had to have marched to have obeyed your order?

A. It would have had to march less than that. You refer, I suppose, to the order I issued about half past 4 in the afternoon.

Q. Yes, sir.

A. General Porter was reported to me by the aid-de-camp who delivered him that order to be two miles or more from Manassas Junction, in the direction of the field of battle.

Q. In point of fact, did or did not General McDowell, in obeying that order, pass General Porter and his command on the way?

A. I so understood. General McDowell can tell that better than I can myself.

Q. I will ask you now in regard to the last order, that which purports to be dated on the 29th of August, at 8.50 p. m., and is set forth in the fourth specification of the first charge. I will ask you if General Porter obeyed that order or not?

A. General Porter appeared himself on the field the next morning with a portion of his command. Two brigades, however, were not present with him, but were reported by aid-de-camp to me as being at Centreville.

Q. Do you or not know at what point those brigades were separated from his command?

A. I do not.

Q. What brigades were they?

A. One was General Griffin's brigade; the other was General Piatt's brigade. I would say, however, of the latter brigade that when they reached Centreville and found that there was a battle going on in the advance they marched forward to the field and made their appearance on the ground and took part in the action late in the afternoon of the 30th of August. That is, the brigade of General Piatt. They did so without orders to that effect from anybody.

Q. Do you know what became of General Griffin's brigade, or where it was during the battle of the 30th of August?

A. Of my own knowledge I do not know, except what was reported to me by aid-de-camp from Centreville, that the brigade was there.

Q. It took no part in the action?

A. No, sir.

Q. Will you state what effect, if any, was produced, or was liable to be produced on the fortunes of that battle by the absence of that force?

A. A very great effect. I do not know the strength of General Griffin's brigade; but a brigade of four regiments and a battery of artillery, as I understand it. That was utterly withdrawn from the field; took no part in the action. General Piatt's command got up very late; too late to do anything, except, indeed, to contribute to enable us to maintain our ground until the darkness closed the fight. The presence of the other brigade would undoubtedly have been of immense benefit.

Q. Did or did you not regard the withdrawal of these brigades from General Porter's command, under the circumstances, a clear violation of the order issued to him to report with his command on the battlefield?

(Question objected to by a member of the court.)

The room was cleared, and the court proceeded to deliberate with closed doors. After some time the doors were reopened. Whereupon—

The judge-advocate stated the decision of the court to be that the question should be propounded to the witness.

Q. (Repeated.) Did or did you not regard the withdrawal of those brigades from General Porter's command, under the circumstances, a clear violation of the order issued to him to report with his command on the battlefield?

A. Undoubtedly.

Q. Will you state to the court whether or not you had made known to General Porter the position of the enemy's forces, and your plans and intentions so far and so fully that he knew the critical condition of your army, and the importance of rapid movements and prompt and energetic action to secure your supplies and to guarantee success?

A. It has been my habit to talk very freely with all officers having large commands in the army which I commanded. How far I informed General Porter I am not now able to say. But I should presume, from my habitual practice, and from conversations that I had with him, that he understood pretty fully the condition of the army and the position of the various corps of the army. What I regarded as a necessity it is altogether possible he might have had a different opinion about. Therefore I can not say that he understood the necessity which I understood.

Major-General PORTER:

GENERAL: Immediately upon receipt of this order, the precise hour of which you will acknowledge, you will march your command to the field of battle of to-day, and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

#### GENERAL McDOWELL TESTIFIES.

General McDowell, in speaking of the order, says (court-martial record, pages 82, 83, and 84):

That was the only order I received from General Pope that day.

Q. How did you regard that order; as placing General Porter in subordination to you, or as indicating that you were both to act independently of each other and each of you in subordination to General Pope?

A. I can not say that at that time the order occupied my mind in connection with the question of subordination or otherwise. In starting out on this road, as I mentioned before, General Porter had started out ahead of me under the order he had himself received from General Pope to move with his corps and one of my divisions on a certain road, and I think for a certain purpose, though I am not certain as to that. At that time I conceived General Porter to be under me. When the joint order reached us we were doing what that joint order directed us to do. That joint order found the troops in the position in which it directed them to be. That joint order gave a discretion to the effect that if any considerable advantages were to be gained by departing from that order it was not to be strictly construed.

I decided that considerable advantages were to be gained by departing from that order, and I did not construe it or strictly carry it out. That order contemplated a line being formed which was to be joined on to a line that was to come up from the east to the west, and have troops on the Gainesville road to attack the flank and rear of the enemy, as I understood it, in moving along on the Gainesville road. This long line of troops—those who were ahead of me, Gen-



ered Porter's corps—coming to a halt, I moved along and rode by his corps to the head of the column. On the way up to the head of the column I received a note from General Buford, addressed to General Ricketts, and to be forwarded to me. This note was addressed primarily to General Ricketts, and then to myself, for I do not think General Buford knew of General Porter's being there at the time he wrote it. I will read the note:

HEADQUARTERS CAVALRY BRIGADE—9.30 A. M.

Seventeen regiments, one battery, five hundred cavalry passed through Gainesville three-quarters of an hour ago on the Centreville road. I think this division should join our forces now engaged at once.

Please forward this.

JOHN BUFORD, *Brigadier-General*

General RICKETTS.

This was addressed to General Ricketts, who commanded a division. I do not know whether it went to General Ricketts direct or came to me direct, or came to me from General Ricketts. I infer it had reference to that division. General Buford belonged to General Banks's corps, but had been temporarily under my orders the day before, and had gone up to Thoroughfare Gap with Ricketts's division at the time I expected a force of the enemy to come through that gap; and he had fallen back with Ricketts, and at that time, as I understood, occupied a position to our left and front.

Q. Did you or not communicate to General Porter the contents of the note from General Buford, which you have read?

A. Yes, sir; I did communicate it to him.

Q. Where was General Porter's command at that time?

A. On this road leading from Manassas Junction, by way of Bethlehem chapel or church, toward Gainesville. The rear of his column had passed by Bethlehem chapel, which is at the junction of the Sudley Spring road with the road from Manassas Junction to Gainesville.

Q. Bethlehem Church enables you to identify that position?

A. Yes, sir. It is at the junction, or the crossing rather, a little beyond the crossing of the Sudley Spring, or Gun Spring, or old Carolina road, with the road from Manassas Junction to Gainesville. The rear of General Porter's command was beyond that road, the head of it stretching out here in this direction [indicating on the map].

Q. Can you speak with any confidence as to the hour of the day at which you communicated to General Porter the contents of this note from General Buford?

A. It was somewhere before noon, I think. It is impossible for me to keep the hours of the day in my mind on such occasions. I have tried it several times but have never succeeded except some important things, such as daylight and darkness. It was communicated a short time after it was received.

Q. Did you or not, upon communicating this note, confer with General Porter in reference to his movements and your own?

A. I did.

Q. Will you state fully what occurred in that conference?

A. On passing the head of General Porter's column, which was on the road I have before mentioned, General Porter was in advance of the head of his column, I think, on a slight eminence or knoll or rise of ground, with some of his staff near him.

I rode up to him [Porter]; I saw that he had the same order as myself in the joint order.

Soon after my attention was directed to some skirmishing, I think some dropping shots in front of us. The country, in front of the position where General Porter was when I joined him, was open for several hundred yards, and near, as I supposed, by seeing the dust coming up above the trees, the Warrenton turnpike, which was covered from view by the woods. How deep those woods were I do not know. It did not seem at that time to be a great distance to that road—the Warrenton turnpike. I had an impression at the time that those skirmishers were engaged with some of the enemy near that road. I rode with General Porter from the position he occupied, eastward, to the right—that is, the column being somewhat west of north, and I going east, made an angle with the line of troops on the road.

The joint order of General Pope was discussed between us—the point to be held in view, or not going so far that we should not be able to get beyond Bull Run that night; that was one point, the road being blocked with General Porter's troops, from where the head of his column was back to Bethlehem Church; the sound of battle, which seemed to be at its height on our right toward Groveton; the note of General Buford, indicating the force that had passed through Gainesville, and, as he said, was moving toward Groveton, where the battle was going on, the dust ascending above the trees, seeming to indicate that force to be not a great distance from the head of General Porter's column.

I am speaking now of that force of the enemy referred to by General Buford

as passing down the Warrenton turnpike toward Groveton. I understand this note of General Buford to refer to a force of the enemy. The question with me was how, soonest, within the limit fixed by General Pope, this force of ours could be applied against the enemy. General Porter made a remark to me which showed me that he had no question but that the enemy was in his immediate front. I said to him: "You put your force in here, and I will take mine up the Sudley Spring road, on the left of the troops engaged at that point with the enemy," or words to that effect. I left General Porter with the belief and understanding that he would put his force in at that point.

I moved back by the shortest road I could find to the head of my own troops, who were near Bethlehem Church, and immediately turned them up north on the Sudley Spring road to join General Reynolds's division, which belonged to my command, and which I had directed to co-operate with General Sigel in the movements he (General Sigel) was making at the time I left him in the morning. After seeing the larger part of my troops on the Sudley Spring road I rode forward to the head of the column. I met a messenger from General Pope. I stopped him and saw that he had an order addressed to General Porter alone. I do not recollect more than the general purport or tenor of that order. It was to the effect that he should throw his corps upon the right flank or rear of the enemy from the position he then occupied. When I say right flank, I do so merely because of my knowledge of the position of the forces, not from any recollection of what that order contained on that point.

Q. Was or was not the messenger to whom you refer who bore that order a staff officer, Captain Douglas Pope?

A. I do not recollect; I do not think it was.

Q. You did not meet on the way, or take from the hands of any other staff officer on that day, an order from General Pope to General Porter, except this one, did you?

A. No, sir; and I did not take this from his hands in one sense. I examined it, gave it back to him, and he went on his way.

Q. Is Captain Pope personally known to you?

A. Yes, sir; he is. My impression is that it was not Captain Pope, but I will not be confident. I do not remember who it was.

Q. I will read you an order which is set forth in specification 1 of charge 2. (The order was read accordingly.) Do you or not recognize that as the order which you saw and read?

A. I can only say that the order that I saw in passing was of that same import. Whether that was the order or not I can not say.

Q. You have said that the accused made an observation to you which showed that he was satisfied that the enemy was in his immediate front; will you state what that observation was?

A. I do not know that I can repeat it exactly, and I do not know that the accused meant exactly what the remark might seem to imply. The observation was to the effect—putting his hand in the direction of the dust rising above the tops of the trees—"We can not go in there anywhere without getting into a fight".

Q. What reply did you make to that remark?

A. I think to this effect: "That is what we came here for."

Q. Were there any obstacles in the way of the advance on the part of General Porter's command upon the flank of the enemy?

A. That depends upon what you would call obstacles. A wood is an obstacle.

Q. I mean insuperable obstacles, in a military sense.

A. I do not think we so regarded it at that time. I did not.

Q. Was or not the battle raging at that time?

A. The battle was raging on our right; that is, if you regard the line of the road from Bethlehem Church to Gainesville to be substantially northwest, the battle was raging to the right and east of that line at Groveton.

Q. At what hour did you arrive upon the battlefield with your command and take part in the engagement?

A. I can not say as to hours.

Q. As nearly as you can?

A. It was in the afternoon. I do not know at what time the sun set. I should not be able to fix the hour. It may have been 4 o'clock or 5 o'clock. One of my divisions, which had been the day before up to Thoroughfare, and the day before that on a long march, extending to late in the night, and which had started that day, Friday, and had marched since 1 o'clock in the morning, had its rear guard some distance behind, and that rear guard did not get up to Manassas until the next morning, though it got within a couple of miles of that place. That was the rear guard of the corps, in that instance a brigade.

Q. Did you or not afterward see General Porter during that engagement of the 25th?

A. No, sir; I did not.

Q. Did he or not, with his command, take any part in that battle?

A. I do not know, of my own knowledge.

Q. What would probably have been the effect upon the fortunes of that battle if, between 5 and 6 o'clock in the afternoon, General Porter, with his whole force, had thrown himself upon the right wing of the enemy, as directed in this order of 4.30 p. m. of the 29th of August, which has been read to you?

A. It is a mere opinion that you ask?

Q. Yes, sir.

A. I think it would have been decisive in our favor.

Q. Did any considerable portion of the confederate forces attack General Pope's left on Saturday, passing over the ground that General Porter would have passed over had he attacked the enemy's right on Friday?

A. I can not say. They may have done so. I do not know.

Q. All the localities of which you have spoken in your testimony are in the State of Virginia, are they not?

A. Yes, sir.

Examination by the judge-advocate here closed.

Examination by the ACCUSED:

Q. Will you say whether you found General Porter's corps in the position where you expected to find it when you joined him the first time you saw him on the 29th of August?

A. I did not think anything about it; it was not a question with me.

Q. State if, when you found him at the place where the joint order required him to be, you stated to him, or thought, that you found in his front a different state of affairs that you had expected to find.

A. I do not recollect of such a statement.

Q. Try to recollect if, upon that occasion, you did not say to him, in substance, that he was too far in the front, and that the position in which he was was not a position in which to fight a battle, or anything to that effect?

A. I do not recollect.

Q. Are you sure you did not?

A. I have no recollection of any question about that place not being the one to fight a battle. Something may have been said about not going further toward Gainesville, with reference to falling behind Bull Run that night.

Q. If anything was said in relation to the facility of getting back to Bull Run that night, do you remember whether it was that the accused was too far in the front, or would be too far in the front if he moved farther on?

A. It was hardly a question of going further on. It was more a question of turning to the right and going against the enemy than passing down the Warrenton turnpike.

Q. You say that something might have been said by the accused about getting back to Bull Run; are you to be understood as saying from recollection that he was told to keep in view his ability to get back to Bull Run?

A. That was the expression in the joint order.

Q. Was it used by you?

A. We referred to that point.

Q. When did you first see the order of which you have spoken in your testimony in chief, that of 4.30 p. m. of the 29th of August, which directed the accused to turn the right flank and attack the enemy in the rear? You have been understood as saying that that was the effect of the joint order. That is not your meaning, is it?

A. It was the effect of the joint order as modified by me, when I left General Porter, so far as I had the power to modify that order, and so far as the understanding with which I left him at the time.

Q. Are you to be understood as saying that before you saw the order to General Porter of 4.30 p. m. of the 29th of August, you, under the discretion you supposed was reposed in you by the joint order to yourself and General Porter, had directed him to attack the enemy's right flank and rear?

A. To that effect, yes, sir; I knew I had that discretion; I did not suppose it. This is the clause under which I supposed, if you prefer that term, I had that discretion: "If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out." That joint order contemplated General Porter's corps and my own to be employed differently from the way I had arranged when I left General Porter, which arrangement was to separate them, leaving him alone on the Gainesville road, while I went up the Sudley Spring road.

Q. Did you under that joint order suppose that you were authorized to take any part of General Porter's command and place it in such a position that it would not have been in the power of his command to reach Bull Run that night or the following morning?

A. That question, if I understand it, did not come up in my mind. The order itself stated that one thing was to be held in view. I will read that part of the order. "One thing must be held in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning."

Q. Was it your understanding of that joint order of the 29th of August that you could, under that order, direct General Porter to take his command into a position from which that "one thing" could not be accomplished?

A. Certainly not. The order does not say that I should disobey the order, and that is what the question amounts to.

Q. Have you any recollection that after you left the accused on the 29th, and took with you King's division, the accused sent a message to you requesting that that division should be permitted to stay with his command?

A. I received no such message.

Q. Will you say whether, in consequence of a message or otherwise, you sent a message to the accused with your compliments, telling him that you were going to the right and should take King with you, and that he, the accused, should remain where he was for the present, and if he had to fall back to do so on your left?

A. I do not recollect.

Q. Are you able to say that you are certain that you did not send such a message?

A. That is my impression, that I did not.

Q. What distance did you march with that portion of your command which you took to the battlefield from the point where you left the accused to the point upon the battlefield that you reached with that portion of your command?

A. Somewhere about four miles.

Q. What road did you travel, or did you travel any route known as a road?

A. The troops went by the Sudley Springs road from Bethlehem Church.

Q. When you left the accused where you found him on the 29th of August, were you at that time advised that Longstreet's corps or any other corps of the confederate army was marching on to unite with the right of Jackson?

A. I did not know anything about Longstreet's corps or Jackson's corps. I have mentioned before that I received a note from General Buford that seventeen regiments, a battery, and five hundred cavalry were marching from Gainesville upon Groveton. To whom they belonged or to whom they were going was not a matter of which I was informed.

Q. Do you know now whether the information given by General Buford in the note to which you have just referred was correct?

A. I know nothing more now than I knew then; I believed it then to be correct.

Q. Will you state, if the force to which General Buford referred in his note actually passed through Gainesville at thirty minutes past 9 o'clock on the 29th of August, how long you suppose it would have taken to have joined the force in front, which, as we have supposed, was commanded by Jackson?

A. I would depend upon how fast they marched.

Q. I know that.

A. I do not know how fast they marched, so I can not tell.

Q. How long would it have taken them if they had marched as fast as you think they could have marched?

A. I have formed no estimate as to how fast those troops can march.

Q. If those troops, in fact, marched as fast as you have marched your own troops upon any occasion, how long would it have taken them?

A. To go from Gainesville?

Q. Yes, sir.

A. Without stops, without obstacles, formations, or checks of any kind, simply marching along the road?

Q. The question has reference to the country as it is, a distance of, as you say, about four miles?

A. It was somewhere between four and six miles. Troops march readily from two miles to two miles and a half an hour, if there is nothing to prevent them, if they are not disturbed by stopping up the roads with wagons, getting breakfast, or something of that kind.

Q. From your knowledge of the actual condition of the country over which that force was supposed to be passing, can you tell whether there were any obstacles to their march, and if there were any, what were they?

A. Not having gone over the road, I do not know anything about the obstacles, one way or the other.

Q. Do you know what was the average number of the regiments of the confederates, each regiment, I mean?

A. Do you mean the strength of each regiment?

Q. Yes, sir.

A. They consisted of all the way from two hundred, or even as low as one hundred and fifty, up to one thousand or even twelve hundred. I have taken a great deal of pains at different times in examining deserters, scouts, spies, negroes, and prisoners, to ascertain that matter, and I find that nothing varies so much as the strength of the regiments on the other side. I have the impression that they were not very strong; that their average was certainly not greater than

our own, if it was as great; but that it varies at different times. Before they had their conscription it was very low; after the conscription their regiments were quite full. I have no personal knowledge of the matter at all. I give the sources from which I obtained this estimate.

Q. Have you a knowledge now of what was the actual force of the enemy under the command of Jackson, or did you know that Jackson was in command of the enemy?

A. I did not know that Jackson was there; I have been told that he was there. I do not know what his force was.

Q. And do you know or not what was the amount of the confederate force that was coming up?

A. Coming up when and where?

Q. As stated in the note from General Buford?

A. Nothing more than he told me in that note.

Q. How long had you left the accused on the 29th of August when you saw the order dated at 4.30 p. m. of that day, which was handed you by some officer?

A. I can not tell; I do not recollect. I rode from the head of his column back to the head of my own column, and as rapidly as I could get my troops into position on the other road, and waited until the larger part of them had entered upon that road. Then, on riding by them to go to the head of my column on the Sudley Springs road, I met this messenger. I can not tell how long all this took. I can not fix the time when I left General Porter, and, of course, can not fix the time when I saw this messenger.

Q. How often during this campaign of General Pope in Virginia, of whom you have spoken, had you seen the accused before you saw him on the 29th of August?

A. I had not seen him during that campaign before I saw him on the 29th of August.

Q. How long were you together during that interview of the 29th of August?

A. I can not fix the exact time. We rode together some distance; perhaps a mile; perhaps it may have been more; I do not recollect now.

Q. Was it five, ten, fifteen, or twenty minutes?

A. Yes, sir.

Q. Which?

A. You may put it at fifteen minutes, or at twenty minutes.

Q. During that conversation, that interview, did the accused say anything, or do anything, from which you inferred disloyalty upon his part, or unwillingness to perform his duty under the command of General Pope?

A. No, sir; what he said was the reverse. He professed to have but one feeling, which was that for the success of his country. This was said, I think, in reference to the embarrassment which I have before alluded to, about General King's division going under him, General Porter. It was not a question with me about loyalty or disloyalty; I never think of such things; what I mean is this: I assume everybody to be loyal; my suspicions do not run that way. The suspicion that persons who hold commissions as general officers in the Army are disloyal does not occur to me.

Q. It is not recollected what you said in relation to the embarrassment you speak of growing out of King's division being under General Porter's command. Will you state what it was that you understood him to refer to?

A. The embarrassment was rather on my side than on his; the embarrassment I refer to was this: I came down to take King's division and bring it up along with my other division, that is, with Reynolds's division, then engaged at Groveton. I found it with an order to go, under General Porter, in another direction; that was what produced the embarrassment. General Porter had nothing to do with that embarrassment; I may say that we were both embarrassed, I at finding one of my divisions under his command, and he at finding himself under my command. I do not know that "embarrassment" is the proper word to use; what I meant was that I found things different from what I expected to find.

When I spoke of one of my divisions going under him, he suggested that I was the senior officer, as between himself and myself, and that I could take the command of the whole force—his corps and my own force—and we went forward at first in that way before the joint order reached us. I did not go to that place expecting to find General Porter; I went there to find my own division and I found General Porter there with an order to take one of my divisions under his command. That was not foreseen by the general-in-chief of that army, who was absent, and the matter was solved in the way I have stated, I commanding General Porter's corps and my own division. We then received the joint order, which directed the very things which we had ourselves done. The order was sent by General Pope upon the receipt of a note from me, in reference to this matter of my division.

Q. Do you know from what point King's division had marched on that day, or the day before, in order to get to the point where you found it on the 29th of August?

A. It had marched from some point or some place on the Warrenton turnpike,

between Gainesville and Groveton, where it had an engagement with the enemy, back to Manassas Junction, having left, as I was informed by General Reynolds, about 1 o'clock on the morning of Friday the 29th of August. It had been ordered the day before to march from Buckland Mills, which is beyond Gainesville, to Manassas Junction. Before it had reached Bethlehem Church it was ordered to move on to Centreville, in compliance with orders from General Pope, and had been sent from the road—or I do not know that it was on any road, but from the position where the order reached it—north to the Warrenton turnpike, and thence to move along that pike to Centreville. It had become engaged with the enemy in the evening, and then, as I have before stated, fell back the next morning, starting at 1 o'clock, as I understood from General Reynolds. These facts I learned on the morning of Friday the 29th, from General Reynolds, who had been personally with King's division; had ridden over to it the night before.

Q. Do you recollect whether you informed the accused at that interview that General Ricketts had been driven from Thoroughfare Gap, and that General King had been driven from Gainesville by the enemy?

A. I do not recollect having used such expressions. I recollect having informed him of the fact that General King's division, as I had learned from General Reynolds, had fallen back that morning, and also that General Ricketts' division had fallen back from Thoroughfare Gap. At the time I saw General Porter I had not got up with either of these divisions. I found them after my interview with him.

Q. Did you then know that Generals Ricketts and King had met with the enemy, the one at Thoroughfare Gap and the other at or near Gainesville, and that they were then falling back in consequence of the enemy?

A. I knew they had met the enemy the night before, but at the time I met General Porter I knew nothing of the details of the engagements which they had had with the enemy, nor do I recollect having said to General Porter, or having known, anything about the motives for General King's falling back to Manassas from this position on the road between Gainesville and Groveton; I have an idea that there was a question of supplies connected with the falling back from that point. General Reynolds had told me that he had told General King that he would be along side of him in the morning. At the time I saw General Porter the whole subject of the engagements of the evening before, except the mere fact there had been engagements, was unknown to me; I mean the details in regard to those engagements.

Q. You have stated, or have been understood to have stated, that when you were with the accused, on the 29th of August, the battle was going on, and you could hear it. Will you state if you heard any other firing than that of artillery?

A. I do not recollect about that now. The noise was very decided, and distant from where we were, I should suppose, about four miles.

Q. Do you know when the infantry firing on that day commenced; was it, or not, about 1 o'clock?

A. I think it was much earlier than that; I have only one thing to guide me, and that is General Reynolds's report; I can refer to that and find out more particularly if it is desired.

The examination by the accused was here closed.

Thereupon the court adjourned to 11 a. m. to-morrow.

The examination of Major-General Irvin McDowell was then resumed, as follows:

Examination by the COURT:

Question. Did or did not General Porter put his troops in action at the point indicated by you, at the time he said he could not go in anywhere there without getting into a fight?

Answer. Of my own knowledge I know nothing of what General Porter did after I left him.

Q. In departing from a strict obedience to the joint order of the 29th of August, did you or not extend that departure beyond your own immediate command; that is, did you change the order with respect to General Porter's corps?

A. General Porter and I started out from Manassas with the understanding that under the Articles of War applicable to such cases I had the command of the whole force—his own and my own. We each of us received a joint order from General Pope, our then commander-in-chief, which order, while it did not at the time change the relations between General Porter and myself, seemed to imply that those relations were not to be constant, were not to continue.

I decided, under the latitude allowed in that order, that General Porter should post his troops in to the right of where the head of his column then lay, and that I would take mine away from the road on which our two commands then lay up the Sudley Springs road into the battle, in this way dissolving the joint operations of our two corps, and from the moment I left General Porter I con-

sidered he was no longer under my immediate control, or under my immediate command, or my direct orders, but that he came under those of our common commander-in-chief, we not then being on the same immediate ground. The article to which I refer is the sixty-second article of war, which directs that when troops happen to meet, the senior officer commands the whole. I considered that article of war to apply up to the time that I left General Porter and broke my command away from him, after which I conceived that his relations were direct to the commander-in-chief; therefore, in answer to the question, to that extent I did interfere with his corps, by separating mine from it, and also by indicating where I thought his corps ought to be applied against the enemy.

Q. Did you report to General Pope any change you had made in the operations of that joint order?

A. No farther than by bringing my troops up, reporting to him that they were there, and receiving his orders. His order to General Porter direct me on my way to join the main army. I did not know at that time that General Pope was at that particular place.

Q. When you saw the order from General Pope to General Porter, the one subsequent to the joint order, did you give or had you given any order to General Porter which would interfere with his obedience to it?

A. None.

Q. The orders you had given to General Porter were not in opposition, or, at least, not of a different character from the one that came to him from General Pope?

A. They concurred. The arrangements that I supposed to exist when I left General Porter concurred with the order which I afterward saw from General Pope to General Porter. They were to the same effect, except as to details, which General Pope may have given. I gave no details.

Q. Would or would not the presence of General Pope, an officer superior in command to both yourself and General Porter, render inoperative or inapplicable the article of war to which you have referred?

A. It would depend upon his presence, whether it was immediate or not.

Q. We speak of such presence as existed then.

A. We did not so consider it. General Pope, according to the note we received, was at Centreville, which I suppose was some six miles off, and we were going away from him. I will mention further that the day before nearly a similar case happened, when General Sigel and myself were together at Buckland Mills, and I commanded General Sigel. That was done by a direct order from General Pope, before given. Still, it would have been the same if he had not given that order.

Q. Could the accused have engaged in the battle according to your order and according to the subsequent order of General Pope and still have fallen back to Bull Run within the time named in the joint order to yourself and the accused?

A. Yes, sir.

Q. From your knowledge of the nature of the country between General Porter's column and the forces engaged on the 29th of August, was there anything to have prevented the accused from making an attack upon the enemy's right or rear, as directed by General Pope? If so, state what it was.

A. My knowledge of the country is derived principally, first, from having gone over the railroad from Manassas to Gainesville in a car or in a locomotive, which gave me but little idea of it, as I was engaged while going over with matters which prevented my paying attention to the country; next, in marching from Buckland Mills to Gainesville, and from Gainesville east along the Warrenton turnpike for a mile or two—I do not remember the exact distance—then turning off to the right and south, and going across the country to Bethlehem Church, and thence to Manassas; then from the fact that General Reynolds's division, which had the lead on the occasion that I refer to, going from Gainesville toward Groveton, had gone further on that road than I went myself, had turned to the right and gone toward Bethlehem Church; and from the fact that General King's division, which had gone on that same road toward Groveton from Gainesville, and had turned down south of that road, had again gone north on to that road, had engaged the enemy at a certain place, had fallen back to Manassas from that place, which place I learned was nearly reached, if not quite, on Friday, the day of the battle, by the troops moving from Groveton west; and from the fact that the enemy's force had moved to the south on Saturday, and turned our left on that day. These movements by two divisions of my corps, my own movements, and the movements of the enemy gave me the belief that troops could move through the country comprised between the Warrenton turnpike and the Sudley Springs road and the road from Bethlehem Church to Gainesville. I will mention, further, that that country is a mixture of woods, clear ground, and hills, and that it is easy for troops to march without being seen or seeing the enemy.

Q. Does the country which you have just described include that over which General Porter was required to march in obeying the order of 4:30 p. m. from General Pope to attack the enemy?

A. Yes, sir. I would say that I do not know that order by that hour.

Q. Please state the ground on which you formed the opinion that if the accused had attacked the right wing of the rebels, as he was ordered, the battle would have been decisive in our favor.

A. Because on the evening of that day I thought the result was decidedly in our favor, as it was. But, admitting that it was merely equally balanced, I think, and thought, that if the corps of General Porter, reputed one of the best, if not the best, in the service, consisting of between twenty and thirty regiments and some eight batteries, had been added to the efforts made by the others, the result would have been in our favor very decidedly.

Q. Was there anything besides mere advantage in numbers from which that result would have followed?

A. And position.

Q. What particular advantage in position was there?

A. The position in which that force would have been applied, while the main body was so hotly engaged in front, would have been an additional powerful reason for so supposing.

Q. When the accused said to you that he could not go anywhere there without getting into a fight, did he or not appear to be averse to engaging the enemy?

A. I can not say that it made that impression on me, though in giving my answer I took the view that he did so imply and made the remark; but I did not think he was averse to engaging the enemy. I mean by that that that was not seriously a question with me, for when I left him I thought he was going to engage and would engage the enemy.

Q. Had General Porter taken part in the action of August 29 would you not have been likely to have known it?

A. I heard that he did fire some artillery, and I did not hear his fire; so that he might have gone into action without my knowing it at that time, because where I was there was a great deal of noise; and the noise that his engagement might have made might have been in a direction which would have confounded it with other noise.

Q. Up to what hour did the battle continue on that day, and how long was your command engaged in it?

A. It continued till after dark, or continued to such an hour in the evening when you could see the flash rather than the smoke. Of my command part of King's division was actively engaged to the front for, I should think, something like an hour, it may have been more, before the battle terminated. I speak of the active collision.

#### GENERAL B. S. ROBERTS'S TESTIMONY.

This is the testimony of General B. S. Roberts (court-martial record, page 50):

Question. What do you know, if anything, in regard to the order issued by General Pope to General Porter, set forth in the third specification of the first charge, bearing date 4:30 p. m. of the 29th August?

Answer. About 4:30 p. m. of the 29th of August it was supposed by General Pope that General Porter was near the field of battle. The direction in which the first order required him to move would have brought him, as was supposed, near the field of battle before that hour; and I had noticed, in the direction where I knew General Porter was expected, the flash and the smoke from some pieces of artillery, and I inferred it to be artillery from General Porter, who was expected to attack there about that time. But it very soon ceased, and General Pope then wrote another order to General Porter, which according to my recollection, stated that the direction of his movements would bring him on the enemy's right flank or rear, and that he wished him to press forward and attack immediately.

Q. Is or is not the order to which you now refer the one set forth in the third specification of the first charge?

A. That is the order to which I refer.

Q. Will you state what you know, if anything, in regard to General Porter's having either obeyed or disobeyed those orders?

A. I know that General Porter did not attack as he was directed to attack in that order. I was on that part of the field several times, and was expecting every moment that the attack would be made, and was watching for it with a great deal of anxiety, but it was not made.

Q. Did you continue upon the field until the engagement closed?

A. I was on the field all day, and remained on the field all that night.

Q. What were the results of the battle when the night closed in?

A. General Pope's troops, when night closed in, occupied quite a portion of the field from which the enemy had been driven, and in my opinion, although the battle was not a decisive one, the advantages of the day were in favor of General Pope's army.

Q. In view of what the army had accomplished during the battle of the day in the absence of General Porter's command, what do you suppose would have



been the result upon the fortunes of the battle if General Porter had attacked, as ordered by the order of 4.30 p. m., either on the right flank or the rear of the enemy?

(The accused objected to the question.

The court was thereupon cleared.

Some time after the court was reopened the judge-advocate announced that the court determined that the question shall be answered.

The question was again propounded to the witness, as follows:)

Q. In view of what the Army had accomplished during the battle of the day in the absence of General Porter's command, what do you suppose would have been the results upon the fortunes of the battle if General Porter had attacked, as ordered by the order of 4.30 p. m., either on the right flank or the rear of the enemy?

A. I do not doubt at all that it would have resulted in the defeat, if not in the capture, of the main army of the confederates that were on the field at that time.

#### GENERAL DANIEL BUTTERFIELD'S TESTIMONY.

General Daniel Butterfield, one of his own commanders, testifies as follows:

Question. State whether the point at which you were directed was on the same side of the Manassas Railroad or on the other side from the one upon which you were at the time.

Answer. The point at which I was directed was across the railroad.

Q. Which direction from the point from which you were moving?

A. To the right, between Groveton and Gainesville; I understood it to strike between Groveton and Gainesville, keeping the movement toward Gainesville, covering this road that led up to Gainesville, a dirt road; and the leaning, if anything, was to be to the right rather than to the left (road marked on the map). And in pursuance of that order I put my brigade in motion, saw that it started out, and then proceeded in advance myself with my staff to make a personal reconnaissance to look up a position and see whatever difficulties might be in the way. I understood myself not at liberty to bring on this engagement until the division could be deployed behind, unless I could gain a position, finding affairs that I could handle in front of me.

I went out personally with my staff after seeing the head of my column in motion, leaving it in charge of the senior colonel, Lausing, of the Seventeenth New York. I proceeded until I came up in close proximity to the enemy's skirmishers, when one of my staff officers asked me if I proposed to tackle the enemy alone. I said no; I had troops behind; I turned around, and, to my astonishment, saw that my brigade that I had put in motion, and seen well out over toward this dry branch, were not there—had returned and were out of sight. I returned with great rapidity and considerable temper. I did not understand why my command had left me; I came back and found that my brigade had moved off to the right in these woods; which were very thick. There was a little road running along here, and they were out in front of this and had come to a halt. That is, they were back of Dawkins Branch, back on the high land, on this side of the railroad—south side of the railroad—in the woods. I asked my senior officer what it meant—his returning without any order from me; he said he had received orders directly to return, and not to make the advance.

I was in no very pleasant humor about that method of proceeding. He offered as his excuse that the orders had come direct from a staff officer of General Porter, or from General Porter himself. I asked where General Porter was. He said he had gone in this direction, in the woods, with General McDowell. I met one of General Porter's staff officers and entered a complaint against his order withdrawing my troops without the order coming from me when I was in front, I received answer that it was a sudden movement in consequence of something that had occurred between General Porter and General McDowell.

Q. You were informed by the staff officer that that was the reason it was given?

A. That that was the reason the order was given. We then were moved a little farther to the right, then returned to the left; then we went up and took position again under same order over on the same ground, and were withdrawn again. These different movements occupied until dark. Then we went into camp rather with the expectation, as I judged from what came to me from General Morell, of an attack from the enemy upon us.

#### COLONEL B. F. SMITH'S TESTIMONY.

Colonel B. F. Smith testifies:

By the JUDGE-ADVOCATE:

Question. Will you state your position in the military service of the United States?

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Answer. I am a captain of the Sixth Regular Infantry and colonel of the One hundred and twenty-sixth Regiment of Ohio Volunteers.

Q. Will you state to the court whether you were serving with any part of the Army of Virginia, commanded by Major-General Pope, on the days of the 27th, 28th, 29th, and 30th of August last; and, if so, in what brigade and division?

A. I was serving in Colonel Chapman's brigade of General Sykes's division.

Q. In what direction did that brigade march on Friday, the 23d of August last?

A. We had marched from Fredericksburgh by way of Warrenton Junction, and arrived at Manassas Junction, I think, on the 26th of August, the day before the battle of Bull Run. We arrived exactly at the place where the railroad had been destroyed; the wreck of the train was there, and there we halted. Late in the day, in the morning, we retraced our steps to the branch railroad running, I think, toward Gainesville or Manassas Gap, and followed the direction of that road some few miles. We then halted on some rising ground, where we could see the country beyond, over the woods, the tops of the trees. It was a wooded country. While we were halted there a battery of the rebels opened upon us, but fired some three or four shells only, I think; there may have been a half a dozen. Our brigade then marched into a field and the regiments were placed in order of battle. I recollect that General Morell's division was in our advance, on the lower ground.

Some of our pieces replied to this rebel battery. I received permission from the commanding officer of my regiment to go to a more elevated piece of ground, a few rods distant, and while there I saw our batteries reply. A short time afterward, probably a half an hour, we received orders to retrace our steps and march back in the direction we had come. We then marched back to near Manassas Junction, and camped in the woods alongside this branch railroad I have mentioned. That night I was placed on duty as the field officer of the pickets of Sykes's division. About daybreak the pickets were called in, and we marched toward the battlefield of Bull Run, and were engaged in that battle.

Q. What was the effect of the reply of your guns to this attack of the rebel battery?

A. It seemed to silence that battery, and it withdrew. At least that was the impression I had at the time.

Q. What amount of infantry force, if any, did there seem to be supporting this rebel battery?

A. I did not see them.

Q. Before you received orders to fall back and retrace your steps along this road, had or had not this rebel battery been completely silenced?

A. I think it had been.

Q. Were there not at that time clouds of dust in view showing an advance of the enemy?

A. Clouds of dust were distinctly visible farther over beyond the trees. Whether there were troops advancing or whether they were moving in another direction I could not tell. I could see distinctly the clouds of dust, as if there was a large body of troops moving.

Q. Did you or not see the accused, General Porter, at the head of the column on that day?

A. No, sir; I do not recollect of seeing General Porter at all that day.

#### TESTIMONY OF SOLOMON THOMAS.

Solomon Thomas, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Question. Where were you on August 29, 1862?

Answer. With General Fitz-John Porter's corps, Eighteenth Massachusetts, Martindale's brigade, Morell's division.

Q. Do you recollect being at Manassas Junction on that day?

A. I do.

Q. Did you move off on the Gainesville road?

A. We moved up on the line of the railroad. We moved more in a direct line in front, though we were intending to move to the right.

Q. How far upon that road did your regiment go?

A. We went upon that road nearly to a small creek, or what had been originally a small creek; it was dry or nearly so at that time.

Q. What did you do there?

A. We then halted, and the Thirteenth New York, or a part of it, which was thrown out as skirmishers—a battery was planted in our front a little to our right—in the fields, and as the skirmishers of the Thirteenth advanced we were deployed to the right, into the woods; our right rested in the woods. We halted and lay down. This was probably 10 o'clock in the morning I should say; might have been a little later.

Q. How long did you remain there?

A. We remained in that position—I should say it was half-past 4 when we were called to attention and right-about-face, and moved out from that position, left in front, upon the same road that we moved down on in the morning. I don't know the distance, but we had been marching some time.

Q. Back toward Manassas Junction?

A. Yes; toward Manassas Junction—when an officer came riding from the Manassas Junction way, having a dispatch, and rode up to General Porter, and handed him the dispatch. Then we were commanded to halt; we did. General Porter dismounted, and sat down by the side of the road and leaned his back against a tree—quite a large tree—and read the dispatch, and went up and remounted and called us to attention and right-about-face. We marched back upon the same road we had come on, moving then right in front, until we came near the position of the road where we had moved into the woods on the right in the morning. We then moved out to the left, into an open field. The artillery was brought into the field, and parked in our front. We were formed in line, and ordered to stack arms; we did so. Orders were received that there should be no fires made to make any coffee; that we were to remain perfectly quiet. The adjutant received orders that if there were any orders received during the night he should deliver those orders to the commander of each regiment in person, so there should be no loud words spoken; and we were to remain. Me and some of my comrades spread our blankets and were preparing to lie down for the night. As we sat down, before we got ready to lie down, we heard upon our right a shout which we knew was a charge—from the shout; then we heard musketry discharges.

Q. What did you understand at that time?

A. I felt at that time that we were expected to charge on the rear and flank in conjunction with what was going on in front.

Q. About what time of the day, in reference to sunset, was it that you were halted on your way back to Manassas Junction, and that an officer came up with a dispatch?

A. I should judge from the position of the sun it must have been somewhere from five to half-past five o'clock.

Q. During the day did you hear any indications of a battle going on; if so, what were they, and where were they?

A. In our immediate front we heard an occasional discharge of musketry, and, in fact, there were pieces of railroad iron fired from a rebel battery right over our right, and two pieces lodged in the rear of where I lay, probably 40 feet in our rear. Some of the boys went and dug them up, and one of them was eighteen inches in length, the other was about fifteen. We thought of bringing them home, but they were rather heavy, so we left them on the field. Then, while we were laying there, beside that we heard, upon our right, distant firing all day, but not continuous; there were intervals that we could hear artillery distinctly.

Q. On the 27th of August where were you?

A. We were moving on the Warrenton road toward Bristoe Station. I should think that we were encamped on that night some six to eight miles from Bristoe Station. We went in before sundown; probably the sun was an hour or an hour and a half high when we halted there.

Q. When did you move from there?

A. I was corporal of the guard that night, and was ordered to wake the men at 1 o'clock, which I did, and we were formed and moved out from our camp immediately after 1 o'clock.

#### TESTIMONY OF LEWIS B. CARRICO.

Lewis B. Carrico, who resides on the battle ground, called by Government, testified as follows (board's record, page 982):

Question. Where do you reside?

Answer. Prince William County, Virginia.

Q. Where did you reside on the 29th of August, 1862?

A. Where I now reside, very near the Manassas Gap Railroad.

Q. Were you there on that day?

A. I was.

Q. Up to what hour in the day did you remain there?

A. I was there until very late Friday evening.

Q. During that day did you see any confederate forces? If so, where?

A. I saw some cavalry scouts during that day, and in the evening there was a battery firing some seventy-five or eighty yards back of my house, just west of my house, and an officer came there and told me I was in danger, and to take my family and go back of the line.

Q. Where did you go then?

A. I went up the road about a mile, to a farm owned now by Major Nutt.

Q. Towards Gainesville?

A. Between there and Gainesville.

Q. Did you meet any Confederate force on that trip? If so, about where?

A. I saw them a little beyond Hampton Cole's, a very small number. They were sitting down on the side of the railroad, and their battery, that was planted at the back of my house; that opened upon the Federal troops directly after I passed it; and when I got up there against them, they got up and took shelter on the embankment of the railroad.

Q. Did you at that time see any troops to the south of the railroad?

A. None at all, except a little picket force that was a little to the south of the railroad, just above there; a small picket force.

Q. Did any confederate force pass to the east of your house during the day? If so, in what direction did they go?

A. I saw none pass to the eastward. I saw some shelling from the back of what is called the Britt farm, and a disabled Federal wagon at the mouth of a lane called Compton's lane.

Q. About what time in the day was that?

A. I could hardly say; 12 or 1 o'clock.

Q. What do you mean by the expression "evening"?

A. I mean something like 3 or 4 o'clock; somewhere thereabouts.

Q. How do you fix the time?

A. I fix the time by having to leave home, and having to go the small distance I did go.

Q. What room did you stay in?

A. I was all over the house; very often up stairs, looking out of the window.

Q. Which way?

A. Toward Dawkins Branch.

Q. What time was the cannon posted there?

A. Possibly 4 o'clock.

Q. You are positive about that?

A. I am not positive; but according to the best of my judgment it was probably as late as four.

Q. Was it earlier or later than four?

A. It was not earlier, I do not think; not earlier than three *I am very sure*.

Q. Were there any soldiers of any description about your house, except the battery?

A. On Friday there was a Federal force in Mr. Lewis's field, to the east of my house.

Q. Where was Lewis's field?

A. Within three hundred or four hundred yards to the east of my house.

Q. Were there any about your house?

A. Yes; there were some of the Federal forces; two men that I had had some acquaintance with, who were in my house when this wagon was disabled at the end of Compton's lane.

Q. About where is the place where you carried your family?

A. Immediately at the Manassas Railroad, one mile past Hampton Cole's.

Q. You say you did not meet any considerable body of the confederate force on your way there?

A. Yes, I do say it; and I saw no considerable body there, as I stated to you and General Porter, if he was with you, until I got home next morning, about sun-up. They came there to my house and destroyed a great deal.

#### B. S. WHITE'S TESTIMONY.

B. S. White, on August 27, 1862, held the position of major in the assistant inspector-general's department of the confederate Major-General J. E. B. Stuart's staff (board's record, page 983):

Question. That morning, after Major Patrick had those orders to charge, what did you do?

Answer. The enemy were driven away.

Q. Then what was the next event that transpired?

A. We moved off across the country to find out what had become of Longstreet's corps. We moved off in this way, toward Thoroughfare Gap.

Q. Did you find General Longstreet's column or corps advancing?

A. We did, between Haymarket and Gainesville.

Q. What did General Stuart then do?

A. General Stuart then threw his command on Longstreet's right and moved down with his right flank in the direction of Bristoe to Manassas Junction.

Q. What did you then observe?

A. We took the road leading directly down the Manassas Gap Railroad; there is a road running parallel with it.

Q. How far down did you go?

A. General Stuart threw his command on the right of Longstreet, and passed down the Manassas Gap Railroad to about that point [west of Hampton Cole's point marked "W"].

Q. Then what did you do?

A. We discovered a column in our front—discovered a force in our front coming from the direction of Manassas Junction to Bristoe.

Q. What sort of a point was that where you discovered this column coming, so far as observation is concerned?

A. It was a good point for observation; a high position, elevated ground. We could see Thoroughfare Gap and Gainesville and all the surrounding country.

Q. When you got back to General Stuart, where was he?

A. Where I left him, on that hill.

Q. At that time where was General Longstreet's command?

A. They had come down and were forming *here*. [Witness indicates a point back westerly of Pageland lane.]

Q. About what time of day was it that this affair occurred at Sudley Springs; before you and General Stuart started to cross the country toward Thoroughfare Gap?

A. Early in the morning.

Q. At what would you fix the time?

A. I suppose 8 or 9 o'clock in the morning.

Q. Did you remain at this point with General Stuart after you got back on this hill?

A. I did.

Q. What became of this column of troops that you saw advancing?

A. I don't know what became of them; they disappeared from our front.

Q. Do you know of any other position being taken up by General Longstreet's command during the day in advance of the position that you have indicated? If so, when and where? You indicated a position back of Pageland lane.

A. I do not.

Q. How long were you down in the neighborhood of this hill which you have marked with a cross during that day; up to what time?

A. We were down there the greater part of the day; we were on the extreme right all the time afterward. The cavalry remained on the extreme right until the morning of the 30th.

Q. What time do you think you met General Longstreet between Haymarket and Gainesville?

A. It was about 11 o'clock.

Q. Was General Longstreet at the head of his column?

A. He was near the head of the column.

Q. Were there many troops in front of his command?

A. Not many.

Q. Were they advancing?

A. They were.

Q. Rapidly?

A. They were marching at an ordinary pace.

Q. State the style of march; how many front?

A. They were marching in column.

Q. How many front?

A. Marching in column of regiments, perhaps four abreast.

Q. Were they in close order?

A. Yes, sir.

Q. Would you swear it was 11 o'clock?

A. It was about 11 o'clock.

Q. You are confident that none of Longstreet's forces had passed through Gainesville before 11 o'clock?

A. I don't think they had.

Q. How did they appear to you; to be on top of a hill, or in a depression, or in woods, or by woods, or in an open field?

A. The position we occupied was a commanding one, of course. They were in a depressed situation from the position we occupied. We were on this hill and they were *here*. [Witness indicates.]

Q. In column, marching along the Manassas Gap Railroad?

A. Yes, sir.

Q. Did you see the Manassas Gap Railroad right in their vicinity?

A. The road they were marching on was parallel to the Manassas Gap Railroad.

Q. When you came back to that position did you see any Federal troops anywhere?

A. Yes. There were Federal troops off here [Indicating the lines of the regiments.]

Q. When you came back did you see Longstreet's command?

A. I saw Longstreet's command on my way back from General Stuart; they came and formed in here. [Pageland lane.]

Q. Did you remain in that position all day?

A. We were there most all day. Do you mean me individually?

Q. Yes.

A. No. I was backward and forward several times during the day. I went with messages from Stuart to Lee and Longstreet and to Jackson.

Q. Then, during that whole day, you were in the vicinity of Longstreet's troops, and knew of their position?

A. Yes; we were on his right.

Q. What time do you put it that you came back from General Jackson after being sent over by General Stuart?

A. Half-past 2 or 3 o'clock.

Q. Do you know of any action that occurred along the Warrenton pike—infantry?

A. I heard firing.

Q. What time was that?

A. In the evening.

Q. About what time?

A. General Jackson's command was engaged all the time.

Q. Was Hood's command engaged at all?

A. That evening they were.

Q. What time that evening?

A. I suppose about 3 o'clock in the evening they were engaged; two and a half to 3 o'clock.

Q. Were they engaged vigorously?

A. Quite a severe fight.

Q. Describe the action so far as you observed it?

A. I was not present. I didn't see it. I heard the firing; it lasted, I suppose, half to three-quarters of an hour.

Q. Was it very vigorous?

A. It was a very sharp fight.

Q. Was that the only occasion in which Hood's command was engaged that day to your knowledge?

A. To my knowledge that is the only one until next morning.

Q. You say it was 3 o'clock?

A. Between 2 and 3 o'clock. It may have been after three. It was after he had got in position.

Q. How long after he got in position?

A. He got in position, I suppose, about 12 or 1 o'clock. This engagement took place about two and a half, or may be three, or three and a half.

Q. Was it as late as five?

A. I can't recollect. I don't think it was.

Q. What is your recollection about the time that that engagement took place upon the Warrenton turnpike by Hood's troops?

A. I was away on the right. Of course there was fighting on the line. I don't know what troops were engaged, but I know that Hood's troops had a fight there that evening. I don't know whether it was three or three and a half; it may have been 5 o'clock. I know they had a sharp fight there, and I heard it.

Q. Assuming Hood's division to be in the place you have indicated by W<sup>3</sup>, and suppose there had been a battery placed on this rise of ground marked C, would that have fulfilled what you understood was the position of a battery firing off in the direction of "W<sup>5</sup>"?

A. Yes. Just beyond a small branch there was a hill, a very fine position for artillery, and it was firing off in the direction of "W<sup>5</sup>." The highest ground of that hill is where that battery was placed, or rather a park of artillery: nineteen or twenty of our guns were in that position.

Q. Suppose that the column of troops that you saw on that morning, or on the noon of Friday, August 29, had been coming up the dirt road from Manassas Junction to Gainesville and was in the neighborhood of Dawkins Run, would that have been the position of the column that you saw according to the map?

(Objected to as leading.)

A. The troops we saw approaching came more from the direction of Bristoe than from Manassas.

Q. Therefore, what road indicated on this map best fulfills the direction from which you saw these troops coming?

(Objected to as leading.)

A. They were approaching more in the direction from Bristoe than from Manassas.

Q. Therefore, what road best of the roads you see on this map shows the direc-

tion from which you saw those troops coming? [Map explained to the witness.] Now, where were the Federal troops?

A. I remarked a while ago that the column that was advancing advanced more from the direction of Bristoe than Manassas.

Q. *Here* is Bristoe and *there* is Manassas. Now, where do you put it, what direction? Make a line indicating the direction.

A. They must have come in *here* or in *here*.

Q. Then you are not positive that you saw them on the Manassas Gap Railroad?

A. I never said I saw the Manassas Gap Railroad. I said I saw them on the road running parallel with the Manassas Gap Railroad. They were not marching on the railroad. They were marching on a road that I supposed, from the position I occupied, was a line parallel with the Manassas Gap Railroad; they may have been on this road [from Gainesville to Stuart's Hill] and took position there [at 1<sup>st</sup>]. From that position we saw the columns coming up, but they were not on the railroad.

Q. Did you see the railroad in conjunction with seeing them, or at the same time in connection with seeing them?

A. I could not say. I was not looking for railroads. I was looking for troops. I don't recollect now whether I saw the railroad or not, because my attention was directed to more important matters.

Q. Would you swear that those troops, Bristoe being *here* and Manassas *there*—that those troops were not on this road to Millford?

A. No; they were not in that direction at all. They were off here [witness indicates in the direction of the Manassas and Gainesville dirt road].

Q. Had you been to Bristoe that day?

A. No, sir; we had been there the day before.

Q. How do you know where Bristoe was?

A. Because I have been there a thousand times since.

Q. Could you see it from that position?

A. I don't know that you could see the station, but I knew the general direction and had been all over that country time and again.

Q. Did you see any of the shot fired fall near that column?

A. Yes, sir.

Q. What did the column do?

A. The column seemed to retire.

Q. Did you see them retire?

A. Yes; I saw them give back.

Q. How did they retire?

A. You know how troops retire. They gave back into a *piece of woods*; and just at that time I went off with a message, as I stated before—went off with a message to General Jackson from General Stuart.

By Mr. MALTBY:

Q. You say that the artillery were stationed on the right of Jackson at the highest point on the ridge. Now, did Longstreet's line bend back from the line of Jackson, or did they make an angle more nearly approaching right angles?

A. I had nothing to do with Longstreet's position.

Q. But you saw it?

A. I passed in his rear several times.

Q. Take a pencil and mark Longstreet's line.

A. There was an angle formed between Jackson and Longstreet's line; Jackson's line ran along here. [Witness indicates.]

Q. Draw it in pencil. There is the Independent line of the Manassas Gap Railroad. [Indicated to the witness.]

A. Jackson's artillery was posted on this stony ridge.

Q. Draw a line where the nineteen or twenty guns were posted.

A. I had no connection with Longstreet's command or Jackson's. I passed in the rear of both lines several times with messages. I did not inspect their lines. I just speak from general recollection of their lines.

Q. Then you do not recollect precisely where any one line was?

A. I do; yes. I have indicated there is Jackson's line; his artillery was posted on this range of hills; General Longstreet formed here. [Witness indicates the different positions.] Their lines did not join; there was an angle there, an opening, and there is where the battery of artillery was.

Q. Draw Jackson's line and the canon of Longstreet.

A. I have indicated it. [Witness indicates the line of the Independent line of the Manassas Gap Railroad.] His line did not go down that far [indicating Sudley Church]; it went to about there.

Q. Where do you run Jackson's line?

A. Jackson's line ran about in this direction. [Marked with a pencil.] That is about the direction of Jackson's line.

(The line indicated by the witness by means of a pencil is followed in ink by the recorder.)

Q. Where were these eighteen or twenty guns of Jackson's?

A. That did not have reference to Jackson's command; Jackson's artillery was posted on this range of hills back of his line of battle. This park of artillery is where W<sup>5</sup> is and W<sup>6</sup>.

Q. You still say that Hood occupied that position, and that his right was where + and + + are?

A. There is where Hood was; right there.

#### REV. JOHN LANDSTREET'S EVIDENCE.

The evidence of Rev. John Landstreet (board's record, page 996). He was a minister, called in both armies a chaplain; he was a chaplain in the Confederate service belonging to this cavalry command. His residence is in Baltimore County, Maryland:

Question. What did you do or see there which has impressed itself upon your attention.

Answer. There was considerable dust in this direction [witness indicates], indicating a body of troops; there was considerable down in this direction somewhere. At any rate, General Stuart ordered some of the Fifth Cavalry to go out and cut brush and drag it along the road.

Q. [By Mr. MALTBY.] Did you hear the order?

A. Yes; to drag the brush along the Gainesville road, so as to serve as a feint and to convey the impression that there was a force coming down the Gainesville road. It was given, I distinctly recollect, to a member of the Fifth Virginia Cavalry.

Q. Who was the colonel of that regiment?

A. T. L. Rosser. We frequently after that conversed about it.

Q. What was done after that while you were in the neighborhood of Hampton Cole's?

A. There was some firing from this position [+?], in the direction of this approaching force; and from my recollection of it the force was a considerable distance down. If 3 inches indicate a mile here, and if it was a life and death case, I would say that it was inside of a mile that they were off.

Q. You should say it was a distance of about a mile?

A. I should say it was inside of a mile. It was not beyond a mile, certainly. [Witness indicates from Hampton Cole's.] There were several shots fired from this point in the direction down there.

Q. In what direction?

A. That depends entirely upon where the man was standing at the time, and what he was looking at. I did not charge my mind much with this Manassas Gap Railroad, though I knew it very well. But I would not say whether it was here or there [whether right or left]. It was pretty much in line with this railroad [Manassas Gap Railroad].

Q. What became of this column of troops upon those shots being fired?

A. I did not see them.

Q. They disappeared from your sight?

A. Yes, sir.

Q. Did they remain in the position they were in when they were fired upon?

A. No, sir. When my attention was directed to them they were where I could see the column, or a considerable portion of it; and they were marching in good order, close column.

Q. Do you recollect how many shots were fired at them?

A. I do not; but I am positive I didn't hear half a dozen; I know I did not.

Q. How long did you remain in that position in the neighborhood of Hampton Cole's that day?

A. I was sent off after that to hunt up the First Virginia Cavalry, not very far from there at that time; and I paid very little attention, indeed, from that time. When Longstreet came and formed there, General Jackson being in position, I came out from the command, and I was not in any of the fight at all except in the cavalry movements—skirmishing.

Q. Where did General Longstreet form his command?

A. It seems to me I struck a portion of Hood's command on General Longstreet's left before I got anywhere in the direction of Longstreet's right. They seemed to come in a good ways in the direction of General Longstreet's left, if they were not immediately on his flank.

Q. About where would you put them, north of the pike, across the pike, or south of the pike?

A. Which?

Q. Hood's division of that command?

A. From my recollection, there was a portion of Longstreet's command that crossed the Manassas Gap Railroad [the witness marks a point with a pen];



crossed it, am sure, some distance, but how far I don't know. I do not think it was far. It extended, I think, up in this way. Hood's was in front of it; part of it in the body of the woods. My impression is that Hood came in a little in advance of Longstreet's left. I am certain that I came to Hood before I came to Longstreet's force in position. [Marked "Longstreet" and "Hood."]

Q. What time of day was that that they were all in position? \* \* \*

A. It is my recollection that it was somewhere between 2 and 3 o'clock.

Q. Do you know whether or not either Hood or the remainder of Longstreet's command were in advance to the east of Pageland lane at any time that day?

A. I do not.

Q. Was your position such that you could see the location of Hood and Longstreet during the afternoon?

A. Oh, yes; I could go where I pleased.

Q. How long did this action of that day continue?

A. The firing, to my recollection, continued up to about dark. It was near dusk. At times it was heavier than at others; and at times severer than I ever heard it in any engagement.

Q. What were your opportunities during that day of knowing the fact, provided General Hood had advanced east of Pageland lane? [Points of compass upon the map explained to the witness.]

A. My answer is, that if I had a desire to know it, I could have known it very easily; but I didn't think about it at all. It was not in my mind. I was well acquainted with Hood and his command, and that made the impression upon me in coming to this point. I came from the direction where Jackson's command was, and passed this heavy battery at the time, though I think there were a few more guns there than I have heard stated to-day.

Q. In which direction, as you stood at Hampton Cole's facing the enemy, was Longstreet's command from you, with reference to your own person—to the left, right, front, or rear?

A. Looking down in the direction from which the enemy were coming, a portion of it was in my rear and a portion of it was not.

Q. At the time you arrived there at Hampton Cole's?

A. No, sir. They did not get in this position at the time I arrived at Hampton Cole's. I arrived at Hampton Cole's about ten or eleven in the morning.

Q. Where were the guns stationed in reference to Hampton Cole's?

A. The guns were pointed down a little to the left of the railroad.

Q. How near were you to the guns?

A. Right up by them.

Q. How much of that column did you see?

A. I could not say how many regiments there were. The column indicated that it was the head of a considerable body of men.

Q. What was that indication?

A. They were marching in close column.

Q. Would not a regiment march in close column?

A. Might not in as close column as that, and in good order. My judgment in the matter was that it was the advance of a large army.

Q. Did you see a quarter of a mile of that column?

A. No, sir.

Q. An eighth of a mile?

A. That is somewhere near it.

Q. Was it marching upon a plain?

A. I cannot tell you that. It did not appear to me as if they were coming up a hill, nor as if they were coming down a hill.

Q. As if they were marching upon a plain?

A. It looked pretty much as if they were on a level.

Q. Can you state whether any bushes were to their right or left, or trees?

A. No, I could not. My impression is that the country was pretty well open left and right of where I first saw them.

Q. Did you see them in flank at all?

A. No, sir.

Q. I don't know whether it is a military expression or not.

A. Do you mean did I see the rear of the enemy?

Q. No, sir; I mean the side of the column as it advanced.

A. No, sir; it was the shortest space of time before the firing commenced here at Hampton Cole's before I saw them no more.

Q. Was this column to your right or left?

A. From the position I was in, it was almost directly in my front. I think if I had advanced in a straight line I would have come up face to face with them. I was a little to the right of Hampton Cole's and looking right straight down.

Q. Did you see troops in the neighborhood of the Leachman house?

A. I knew there were troops there, but how I knew it I am not now prepared to say.

Q. How did they appear? Did they march out of sight in the rear, or did they retire in the bushes?

A. If you will let me use an illustration: It was a very common thing for a column of cavalry to advance, and one shot into a column of cavalry would make them disappear in the woods, and that was the end of it. I never saw a column that got out of sight quicker than this column did.

Q. How long did you remain at Hampton Cole's?

A. I suppose I staid there until—well, it was just after the brush expedition, shortly after that; and I went in the direction of Gainesville from there. I don't know but what I went right across to Gainesville; I think I did.

Q. How did you go?

A. I struck out on this Gainesville road that I had traveled hundreds of times towards Gainesville; pretty much along the line of the railroad.

Q. How long did you say that it was that you were at Hampton Cole's?

A. I said I was there until after 12 o'clock.

Q. Were you there about an hour in all?

A. I was there more than an hour; I was there fully an hour and a half.

Q. You passed along the Manassas Gap Railroad?

A. I passed along the Gainesville turnpike.

Q. What did you see on your route in the shape of troops?

A. I met some of, I think, Longstreet's forces on the Warrenton pike.

Q. Did you see any of Longstreet's troops?

A. I have no recollection of seeing them.

Q. Were there any troops marching on that turnpike?

A. There may have been. I did not pay any attention to it.

Q. How long did you stay away in the direction of Gainesville?

A. I staid away until about 3 or half-past 3 o'clock, I think.

Q. Then what did you do?

A. Then I returned to the First Regiment of Virginia Cavalry.

Q. Where was that?

A. If my recollection serves, it was between Hampton Cole's and Sudley.

Q. Was that the detachment that had been sent off to drag brush there that day?

A. No, sir. That was the Fifth Virginia Cavalry, commanded by Colonel Rosser.

Q. When did you first see the place where Longstreet's line was formed after you went off towards Gainesville?

A. I saw it for the first time a little after 3 o'clock.

Q. Was it then formed?

A. Yes; it was then formed in good order.

Q. All along the whole line?

A. Well, I did not ride along the whole line.

Q. Where were you?

A. I could not tell you how it was along the whole line. I rode in along *here* and I passed on out *here*. I passed around on Longstreet's left, and I found Hood's division in front of Longstreet, and rather extending beyond his left. [Witness indicates near Pageland lane.]

Q. Then what did you strike?

A. I didn't know what the name of the road was. I made for Sudley neighborhood, and there I met a portion of the First Virginia.

Q. On Hood's left or Longstreet's left did you find artillery?

A. Yes, sir.

Q. Did Hood's line extend quite up to the artillery?

A. No, sir; it did not. *There was a gap.*

Q. How much of a gap?

A. I don't recollect how much it was, but it was a considerable gap.

Q. Half a mile?

A. I don't know whether it was that much, but it was a considerable gap, a considerable elevation.

Q. Do you know where that artillery was in reference to the Browner or Douglas house?

A. No, sir. I know nothing about houses there.

Q. Were the batteries in advance of Hood's line?

A. Well, rather.

Q. Much?

A. No, sir; they were rather a little in advance of his left.

Q. Was the distance between Hood's left and the right of the artillery as great as the gap?

A. According to my recollection, the battery was pretty nearly in the center of the gap.

Q. Did the line of the battery run in the same direction that Hood's line ran, or did Hood's line form an angle with the battery?

A. It was at an angle.

Q. Was the right of the battery much in advance of Hood's left?

A. No, sir; it was not much in advance, but still it was in advance.

Q. Was it a half mile in advance?

A. Oh, no.

Q. Was it a quarter of a mile?

A. No, sir; I don't think it was that.

Q. Or an eighth?

A. I don't think it was that. It was a very short distance in advance. I would not say positively that it was in advance at all.

Q. About what time of day did you first see Longstreet's troops in position after that?

A. I saw them in position, I think, somewhere about 3 o'clock, or a little after three, or a little before three.

#### GENERAL ROBERT C. SCHENCK'S TESTIMONY.

Robert C. Schenck, called by the recorder, and examined in the city of Baltimore, October 22, 1878 (present, the recorder, and Mr. Maltby, of counsel for the petitioner), being duly sworn, testified as follows:

Question. Where do you reside?

Answer. Dayton, Ohio; temporarily residing in Washington, District of Columbia.

Q. What rank and command did you hold in the military service of the United States on the 29th August, 1862?

A. Brigadier-general of volunteers, commanding the first division, Sigel's corps.

Q. Finally you left the service with what rank?

A. Major-general. I was promoted to take effect August 30, 1862.

Q. In moving up to this position, did you have, in the morning of the 29th August, any enemy in front of you?

A. None that we felt; throwing forward skirmishers and supposing the enemy was present somewhere. Pretty early in the day a force of the enemy was developed upon this ridge, where there were a number of batteries placed to our right; that would be to the north of the turnpike road.

Q. Do you recollect passing that lane, Lewis lane No. 1?

A. I have a very indistinct impression of it. I have a remembrance floating in my mind having crossed some road which was not the turnpike, but I don't recall it distinctly.

Q. At what time of the day did you reach your farthest point in advance?

A. I think it must have been somewhere about the middle of the day; perhaps a little earlier than the middle of the day.

Q. Did you see General Reynolds's division during that day?

A. No; but I understood he was off on my left.

Q. Did you see General Reynolds himself during the morning or afternoon?

A. No; I think not. I don't recollect.

Q. How far did you get beyond the Gibbons wood, in which the wounded of the night before were?

A. I don't know that we got beyond the Gibbon wood. My remembrance is that the farthest point we reached was somewhere about the west edge of the Gibbon wood—that is, the wood in which Gibbon's troops were engaged the night before. We found there his wounded and the evidence of the battle that had taken place.

Q. Was anything done with these wounded that you found there?

A. I ordered all the men in that and the piece of woods this side of that, where there were, I think, a few scattered, to be sent to the rear and taken care of. I don't know that that is the Gibbon wood; I mean the wood farthest in advance that I reached was the wood in which the engagement took place. My impression is we did not at any period go farther in that direction than to, perhaps, the west edge of that wood.

Q. Look at the map; which piece of timber is it that you consider to be the Gibbon wood?

A. This I suppose to be the wood. [In which the word "Warrenton" ends; marked "S" on the Landstreet map.] That, I suppose, is intended for the wood in which Gibbon's engagement took place.

Q. How long did your division remain in that woods?

A. We must have been in that wood, altogether, two or three hours.

Q. Did you see any battery of the enemy while you were in that position? If so, where was it?

A. There was a battery off to our right somewhere which I recollect all the more distinctly because it seemed to me to be detached from the general line of the enemy, and I conceived the purpose of attempting to capture it, and sent one of my staff over to reconnoiter with a view to see how it might be approached. But about that time Milroy, who was engaged with the enemy off to my right, communicated with me, or General Sigel for him—I think the message came from Milroy himself—

begging assistance, and I detached Stabel's brigade to support Milroy northeast of the pike, and then gave up the idea of attempting to capture that battery.

Q. That battery was in the neighborhood of where?

A. It was on a hill on my right; to the right of the wood where Gibbon's fight had taken place. It was upon elevated ground, and seemed to be the spur of a hill. I thought we might by a sudden and decisive movement upon it capture it.

Q. While you were up in this position McLean's brigade, I understand, was on the left. What was the position of Reynolds's division of Pennsylvania Reserves as reported to you at that time in reference to your own position?

A. I did not see them, but they were reported to me as being upon our left, and I may add that it was reported to me that they had stationed a battery somewhere in advance of Gibbon's wood, I think Cooper's battery.

Q. In which direction was that battery operating?

A. I did not see the battery.

Q. At what time did you quit with your division this Gibbon wood?

A. I should think, to the best of my recollection, somewhere between 1 and 3 o'clock. I don't think I can be more positive than that. My recollection is that it was some time after noon.

Q. To what point did you go then with your division?

A. In consequence of reports made to me in reference to the movements of General Reynolds, I thought it best for me to fall back, and I came into a strip of woods which I suppose to be these [south of the syllable "ville" in "Gainesville"]. I formed in line of battle near the west edge of that woods. There we lay most of the afternoon.

Q. Up to what time?

A. I can scarcely tell you. I should think at least until the middle of the afternoon, perhaps later. I recollect withdrawing from that point from wood to wood as we had advanced. We found it quite late in the afternoon, or quite sunset, by the time I reached my original position. The whole distance, I should think, was about two miles from the point where we started in the morning to the furthest point to which we advanced.

Q. While you were in the Gibbon wood, what enemy, if any, did you see in your immediate front?

A. I cannot say that I saw any enemy in our immediate front. There were skirmishers in that direction, and as my skirmishers were thrown forward we would have an occasional shot, but there seemed to me at that time to be no enemy in my front, in my immediate front. The first intimation that I had that the enemy in considerable force were upon our left was through Colonel McLean, the commander of my second brigade, who told me that a messenger, or staff officer, or orderly, or some one from Reynolds, apparently with authority, had come to him, as he was in command of a brigade, and communicated the fact that the enemy were upon our left, and I think was coupled with the information that Reynolds intended to fall back. I tried to communicate with Reynolds again, but did not succeed, but I thought there was no occasion for immediately falling back; but not finding any response from General Reynolds, I concluded to withdraw slowly to at least a short distance and then come across an open space into the next wood [into a little strip marked S<sup>2</sup>], where I rested the troops in line.

Q. While you were holding position in that little strip of woods do you know whether or not the enemy obtained the possession of the Gibbon wood?

A. I am satisfied that they were not there in any force; they had their skirmishers thrown forward as I had men toward the Gibbon wood, and there were occasional shots fired with or without good cause for them, but there was no movement in force, nor was there indicated to me any presence of an enemy in force.

Q. Can you fix with any degree of relative certainty the time in the afternoon when you quit the little fringe of woods marked "S<sup>2</sup>"; whether it was 2, or 3, or 4, or 5, or 6 o'clock?

A. The days in August are pretty long. I should say it was at least the middle of the afternoon, or probably later. I reached my conclusion from measuring it by the movement forward and the gradual withdrawal of the troops. I should think it was after the middle of the afternoon.

#### TESTIMONY OF GENERAL S. D. STURGIS.

General S. D. Sturgis testifies that he moved on the Gainesville road August 29, 1862, with his command. (Board record, page 711.)

Question. You say you went a mile and a half beyond Bethlehem Church toward Gainesville?

Answer. That is my recollection.

Q. What did you then do?

A. I reported to General Porter. I rode in advance of my brigade. I found troops occupying the road, and I got up as near as I could get and then halted my command, and then rode forward to tell General Porter that they were there. He said, "For the present let them lie there."

Q. What did you do then individually ?

A. Well, I simply looked about to see what I could see. I was a stranger to the lay of the land, and the troops, and all that ; so without getting off my horse I rode about from place to place watching the skirmishers, and among other things I took a glass and looked in the direction of the woods ; about a mile beyond which seemed to be the object of attention—beyond the skirmishers ; there I saw a glint of light on a gun ; and I remarked to General Porter that I thought they were probably putting a battery in position at that place, for I thought I had seen a gun.

Q. State what the conversation was.

A. I reported this fact of what I had seen to the general ; he thought I was mistaken about it, but I was not mistaken, because it opened in a moment—at least a few shots were fired from that place—four, as I recollect.

Q. What force of the enemy did you see in that direction at that time ?

A. I didn't see any of the enemy at all.

Q. Then what did you do ?

A. Then when they had fired, as near as I can recollect, about four shots from this piece, General Porter beckoned to me ; I rode up to him and he directed me to take my command to Manassas Junction, and take up a defensive position, inasmuch as the firing seemed to be receding on our right.

Q. What firing do you mean ?

A. I mean the cannonading that had been going on for some time on our right, probably in the direction of Groveton.

Q. How long had you heard that cannonading ?

A. I don't recollect exactly where I heard it first. My impression has been that I heard it all along the march from Manassas to General Porter's position. I do not recollect distinctly that I did hear it, but I know I heard it all the time after I arrived there until I left.

Q. What time of day was this that you received the order to move back with your command to Manassas Junction ?

A. I have no way of fixing the time of day. I have carried in my mind the impression that it was more about the middle of the day—about 1 o'clock.

Q. What did you do when you received that order ?

A. I sent word to General Piatt to move back to Manassas Junction, and that I would join him there.

Q. Do you know whether your order was obeyed ?

A. Yes ; it was obeyed.

#### EVIDENCE OF MARK J. BUNNELL.

Mark J. Bunnell, on page 678 of the board record, says :

I called to an orderly and stated to him what I wanted. He called Colonel Marshall, and they came down within a few paces of where I was, and Colonel Marshall then received his orders to deploy his regiment as skirmishers in front.

Q. Did you hear the order ?

A. I stood right there so I could hear.

Q. What were the orders that General Porter gave Colonel Marshall ?

A. I could not hear all the conversation, but to deploy his regiment as skirmishers, as we were about ready to move out ; not to bring on a general engagement, but the idea was that we had to do duty only as skirmishers.

#### CAPTAIN A. P. MARTIN'S TESTIMONY.

Captain A. P. Martin, commanding the artillery of Morell's division on the 29th of August, swears as follows :

Examination by the COURT :

Q. Do you know of any order having been given by General Porter to make an attack upon the enemy during that day ?

A. I did not. I received orders from him to put the batteries in position.

Q. How long did the artillery firing continue ?

A. The firing of the first section of the enemy's battery that opened from the woods in front continued perhaps twenty minutes ; they fired very slowly. An hour later, perhaps, there was a battery opened further to our right, and they were engaged by Hazlett's battery of Morell's division.

Q. At what distance from each other were these batteries that were engaged ?

A. I should think not over a thousand yards ; *it might have been a thousand or one thousand two hundred yards.*

Q. Do you know whether any effect was produced on either side by this artillery fire ?

A. *They were in the woods, and we could not see, except that the first battery that was opened was silenced, I should think, in about twenty minutes or half an hour.*

Q. Was there any loss on our side ?

A. Yes, sir; *one man was killed*—

A. Yes, sir; one man was killed by the first shot that the enemy fired. I saw him fall.

Q. On which side of the Manassas Gap Railroad, north or south, were the enemy's batteries, that you were then engaging?

A. They were on the side towards us—the south side, I suppose.  
The examination of this witness was here closed.

J. J. COPPINGER SWORN.

J. J. Coppinger, called by the recorder, being duly sworn, testifies as follows:

Direct examination.

Question. State your rank and station.

Answer. Captain Twenty-third Infantry, and brevet colonel.

Q. What rank did you hold in the month of August, 1862?

A. Captain Fourteenth Infantry.

Q. In whose brigade, division, and corps were you during that month?

A. The first regular brigade, Sykes' division, Porter's corps.

Q. Do you recollect being at Fredericksburg in that month?

A. Yes; at or near Fredericksburg.

Q. Where did you move to from there?

A. We moved in a general direction toward Bealeton, on the line of the railroad from Rappahannock Junction to Alexandria.

Q. What sort of a march did you make in going up there to that point?

A. The first afternoon we made a long march; we made good time. I could not give the distance in miles. The next morning we marched early a few miles, and to the best of my recollection counter-marched, and were placed in line of battle at a short distance from the camp which we had left. After that our marches seemed rather spasmodic until we got to the railroad.

Q. Near what point, or at what point?

A. Until we got near Bealeton, on the railroad. I do not recollect whether we actually struck the track at Bealeton or Warrenton Junction, but we were near the railroad at Bealeton, and on it to Warrenton Junction.

Q. Were you in Warrenton Junction on the 27th of August, 1862?

A. On or about, but I cannot swear to the date.

Q. Then you left there to go to what point?

A. Marched along the line of the railroad towards Manassas Junction.

Q. Do you recollect at what time of day you left Warrenton Junction to go in the direction of Manassas Junction?

A. I cannot. My watch, I think, was broken, and I was very badly wounded a few hours after; so I do not recollect. I cannot give you the hours.

Q. You came to a halt for the night at what place?

A. Near Bristoe Station.

Q. At what time of day did you arrive at Bristoe Station?

A. Early in the day. I cannot give the hour. The reason I say early in the day is that I recollect passing a good part of the evening with Smead, of the artillery, who was killed a few hours after.

Q. The next morning you marched for what place?

A. Manassas Junction.

Q. From there, what direction did you take?

A. Towards Gainesville.

Q. Do you recollect a place named Bethlehem Church?

A. I have an indistinct recollection of a small church on the left of the road.

Q. You went out on that road; do you recall any incident connected with that march out on the road towards Gainesville?

A. Do you mean the passage of other troops?

Q. You went out on that road; when did you receive a command to halt?

A. When, I think, about two shots close to the edge of a wood—two shots, I think, were fired; just about that moment our command halted.

Q. From what direction?

A. Front and right.

Q. Then what did your regiment and brigade do?

A. Halted, and were ordered to face about.

Q. Then what?

A. We were marched to the rear in column of fours.

Q. To what point?

A. I cannot give you the point; but the next point I recollect is being on a side road which leads off towards the battle-field of Bull Run. Perhaps it would be better if I were to say that my memory of that battle-field—I was left on the field between the lines, senseless, until the next day, and my memory of both those days is somewhat spasmodic. Some things I see as clearly as anybody. I see in this

room; and there are intervals of which I have a very poor recollection. Now, between the time of our being marched *here*, and our being halted, I don't recollect. [Witness indicates points on the map.]

Q. As to this point of fact—these shots being fired, and you countermarched to the rear—how soon after the shots being fired was the order for you to move to the rear?

A. I think almost immediately.

Q. Do you recall with any certainty how long or how far you marched to the rear?

A. We marched quite a distance to the rear. I think from one to two miles, if not more; but I am almost certain that the command was "Halt; about face," and within three minutes I think, and perhaps a shorter time, we were in motion to the rear.

Q. During that day did you move to the front again; if so, when?

A. We were moved on a cross-road, which led us the next day to the battle-field. [Witness indicates in the direction of the Sudley Springs road.]

Q. When did you say you made that move at the cross-road?

A. I cannot give the time.

Q. Some time that day?

A. In the afternoon.

Q. Did you encamp there, or did you go back again?

A. We passed the night there; stacked arms, and I think lay down by our arms.

Cross-examination by Mr. BULLITT.

Q. You were then a captain?

A. Yes.

Q. Of what company?

A. Company A, Second Battalion, Fourteenth Infantry.

Q. Who was the commander of your regiment?

A. General Stone was the colonel. Our battalion was that day commanded by Captain McKibbin, who was wounded the next day. The senior officer on the ground was Captain O'Connor, who was also wounded the next day.

Q. What brigade?

A. The first regular brigade, temporarily commanded by Colonel Buchanan.

The examination of this witness was here closed.

#### TESTIMONY OF CAPTAIN GECKE.

Captain Gecke testified as follows (board's record, page 668):

Right before me was a piece of wood and an open corn-field between me and the woods. I remained and deployed my skirmish line outside of the ditch there. At the same time when I came there I saw skirmishers, dismounted cavalry, marching before me in that corn-field. My men fired at them and they fired over to us. Then they went back into the woods and I gave the command to cease firing. Then the adjutant of the regiment came up between 4 and 5 o'clock with an order to the commanding officer of the skirmish line. I stepped up, and he said I should find out immediately what was going on in the corner of the woods; so I took a sergeant and a file of men and went up there; and the sergeant went ahead and looked in that direction, and then we came down and reported to the adjutant that the enemy has been marching out of the woods, and that they were moving cannon and ammunition-wagons to form their proper companies, and turning to the left. A little while after this I heard a few shots fired over in that direction.

Question. When you went out with the skirmishers and deployed your men, what orders did you have?

Answer. I had no special order except to see what was going on. I saw no line formed on the left; no line formed on the right.

Q. When did you first observe the enemy coming down on your front?

A. That was about 4 o'clock.

Q. Up to that time what indications were there of an enemy in your front?

A. I should say I saw a few of a skirmish line moving through the corn-field into the other side of the wood.

Q. During that day did you see any artillery firing?

A. I heard artillery firing.

Q. In what direction did you hear it?

A. The fire of artillery that forenoon I heard on the front of us; in the afternoon on our right.

Q. What was the character of that artillery firing that you heard?

A. It commenced at 5 o'clock in the morning; then it was in the far distance. Then about 11 or 12 o'clock we heard it better; we heard heavier firing. Then between 1 and 2 o'clock there was no firing whatever. Then from about 3 o'clock and afterwards there was heavy artillery firing and musket firing up to most 9

o'clock at night and yelling by the enemy and cheering by the Union men. We heard that off on our right.

Q. Did you at any time during that afternoon undertake to feel the enemy and find out what their strength was?

A. No; I only carried out the order I had.

Q. About what time in the day would you say you moved across Dawkins Branch to go forward with your skirmishers?

A. About 3 o'clock.

Q. Did you know the position of the enemy after you got up on the skirmish line?

A. No; I didn't see no other part of the troops except this dismounted cavalry.

Q. This yelling and cheering that you heard by the enemy and the Union troops, was that before or after you moved your skirmish line across Dawkins Branch?

A. Afterwards.

Q. How long after?

A. That commenced about 5 o'clock or half-past five, and kept on until darkness.

Q. The yelling and cheering that you heard was between 5 o'clock and sundown?

The confederate General R. E. Lee's official report of that action says that the battle continued until 9 o'clock at night (board's record page 520).

A. Up to 9 o'clock at night.

Q. Did you make any report of that to anybody?

A. No.

Q. Do you mean to say that you did not send any messages to Colonel Marshall at all that day?

A. No; except this one, because I was not so far off from them. They could hear all these things going on themselves.

Q. Then you could hear, and he could hear?

A. He could hear the firing. It took me about ten minutes, more or less, to get there from my position back.

#### SERGEANT FERDINAND MOHLE'S TESTIMONY.

Sergeant Ferdinand Mohle, Thirteenth New York Volunteers (board's record, page 676), a Government witness, has stated as follows as to his position to the front:

A. I think we staid as skirmishers up towards night, and then we were withdrawn to a hill. It is kind of rolling country here. I think it was hollow along that way and then it raised again.

Q. What did you see while you were on the skirmish line so far as the enemy was concerned?

A. Saw a couple of rebel pickets in front of us.

Q. Infantry or cavalry?

A. I could not say exactly; I guess it was dismounted cavalry.

Q. What other indications of an enemy did you see during the day; what enemy did you see in front of you?

A. I saw no enemy where I stood. I have just said it was a kind of hollow place where we went through and we could not see many of the enemy except a line of pickets; they were not very active. We exchanged a couple of shots, and I recollect a couple of cannon shots flew right over our line and came, I guess, from our rear—our own men—two or three shots.

Q. Was there any cannonading going on then?

A. There was.

Q. Where was that?

A. That was to our right.

Q. What was the character of it?

A. It was heavier towards evening than the time we went up there. We heard the noise more in the evening—the noise of artillery and cheering—than when we first came up there. But still firing was going on.

Q. When did the enemy come down in force on your front that day where you were?

A. What do you mean by the enemy; the line of pickets?

Q. Yes, or heavy force; did you see any heavier force in front of you?

A. I could not see any heavy force; I could hear more. I could hear moving; I did not know whether it was artillery or cavalry, but I heard some words, some commands.

Q. How late in the day was that?



A. It was in the evening; towards night, I guess.

Q. When you went out there on that line, did you hear those commands and movements?

A. I cannot remember; I did not hear any command that time; but there was a couple of shots exchanged between the pickets; and finally, I think, the rebel pickets went back a little, and word was brought to cease firing.

Q. Could you hear any musketry firing in the afternoon where you were and infantry firing?

A. Yes; I could hear that.

Q. How long in the afternoon did you hear infantry firing?

A. I cannot tell exactly when it commenced, but I could hear cannon firing when we were marching up there.

Q. After you got up there, was there any cannon firing?

A. There was cannon firing at intervals; it ceased sometimes, and towards night it went on pretty heavy.

Q. Any musketry firing in the afternoon to your front or right?

A. I think there was musketry firing, but we could not hear it so plain as in the evening.

Q. About what time did you hear this cheering which you speak of?

A. About sunset.

#### CAPTAIN JOHN S. HATCH'S TESTIMONY.

Captain John S. Hatch, First Michigan Volunteers, Martindale's brigade, Morell's division, a witness for the Government, testifies as follows (hoard record, page 600) as to what transpired at the front, near Dawkins Branch, on the 29th August:

Question. Tell what you saw when you got there at that point.

Answer. When we turned off into the woods we were preparing to go into action, as I supposed. I think the pieces were loaded. Caps were left off the guns, and cartridges examined and cartridge-boxes, and some such things as that. We remained in the woods a little time, and then we moved off to an eminence where we could look off into the depression or ravine; and then the Thirteenth New York was thrown out as skirmishers.

Q. How long had this been after you had arrived at that point before the Thirteenth was thrown in?

A. It is my impression that we were loading pieces and preparing, as we supposed, to go into action. I recollect we were talking of it together; that it was about noon. I do not recollect looking at a watch. It was about 12 o'clock, I should say; not far from that any way.

Q. That the Thirteenth were thrown out?

A. Yes, sir.

Q. You remained there during the day?

A. Remained there all that day.

Q. After the Thirteenth were thrown out what did you see?

A. We came out of these woods, I guess, almost entirely, so that we could see the Thirteenth New York maneuver, and see the ravine and woods on beyond. I think our arms were stacked—our brigade. We lay there and saw the Thirteenth New York moving; they kept moving on until they met with some little check on the other side; there were some shots fired; then, sometime after that, a solid shot came over. General Porter was there with his staff. I do not know whether there were any other generals there or not. There was a little scattering there and a little commotion all around, until pretty soon another one came over, and there was a piece run out of the woods where the Thirteenth New York had met with some opposition from the infantry; there was another shot fired soon after that, and we supposed the work was commencing. There were three shots, I think, or four shots fired. We supposed that they were firing at General Porter and his staff, because they were mounted and conspicuous.

Q. Then what was done?

A. There was nothing done by us during that afternoon. We were lying there at ease until early in the evening, when our brigade, a portion of it—my regiment at least—was thrown out, you might say, as skirmishers. We were thrown out to guard against a surprise that night—thrown out to the right of where the New York Thirteenth went down.

Q. How long did you remain there?

A. Two hours; about that.

Q. What indications, if any, did you observe of the presence of the enemy during the day?

A. We saw fighting going on on our right and front.

Q. What kind of a contest was it?

A. There was heavy artillery firing.

- Q. How long did that continue?
- A. From the time we came out on to that eminence, out of the woods; there was firing all the afternoon, but not continuous; there was at times heavy firing, rapid firing.
- Q. From the character of the firing what were the indications?
- A. It was heavy—artillery fire.
- Q. I understand you to say that you could see the action going on?
- A. I could not see the troops that I recollect. I do not think I could, but the smoke and the bursting of the shells could be seen, and we could hear the sound of the artillery, and see the lines of smoke; towards evening we heard musketry firing.
- Q. How long was it after the Thirteenth New York went out before you saw that gun run out that you speak of?
- A. They had time to get down three-quarters of a mile or more—perhaps half an hour.
- Q. During the day what enemy did you see in your front besides what you have mentioned at that time?
- A. Saw a line of dust on the left making towards Jackson, who we understood was opposing our forces.
- Q. At the time?
- A. At the time.
- Q. Did you see any enemy directly in your front?
- A. These woods were there; nothing more than artillery. There were infantry opposed to the Thirteenth New York.
- Q. How long did they remain there, artillery and infantry?
- A. I do not know that; they did not remain all the afternoon.
- Q. Had no more artillery firing from them?
- A. The artillery, three or four shots was all that bothered us.

Cross-examination by Mr. BULLITT:

- Q. What time was it, in the afternoon or toward evening, that you heard that musketry firing?
- A. The day was well advanced.
- Q. Five or 6 o'clock in the evening.
- A. I should judge so; before sundown some time.
- Q. What you had heard, prior to that time, was all artillery firing?
- A. I do not recollect any musketry firing until toward sundown; perhaps the sun an hour or two high.
- Q. What time was it that you were sent out on that picket-line?
- A. The Thirteenth New York was sent out, and I was in the same brigade with them. As I say, we were preparing for action in the woods about 12 o'clock. I should think.

MAJOR-GENERAL ROBERT C. BUCHANAN'S TESTIMONY.

The late Brevet Major-General Robert C. Buchanan, United States Army, retired, called by petitioner (board record, page 215), testifies as to the movements of the brigade he commanded in Brigadier-General Sykes' division, after they left Manassas Junction on the 29th, as follows:

- Question. Which way did you move then?
- Answer. We had been moving by the right flank; we then moved by the left flank; we moved down by the road which takes us near a church, which I have since heard called Bethlehem Church, in the direction of Gainesville.
- Q. Where did you halt then?
- A. Near that church and in advance of it.
- Q. In what position were your troops then?
- A. At that time directly on the road.
- Q. How were you formed when you halted there?
- A. We were formed in line of battle immediately after we halted.
- Q. How long did you remain in that position?
- A. I cannot tell you.
- Q. During the balance of the day, I mean.
- A. We did not leave that ground that day except under various instructions that we got to countermarch: from time to time we countermarched, of course on the same ground.
- Q. You did not leave that ground?
- A. No; except towards night we changed our direction, I think on to a little road that led us off to the turnpike.
- Q. Practically, you remained in that position during that day?
- A. During that day.
- Q. Do you recollect any stacking of arms?

A. Yes; they stacked arms from time to time.

Q. When you did that what position was your line in—still in line of battle?

A. Always; always ready.

#### EDMUND SCHRIVER'S TESTIMONY.

Edmund Schriver, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Question. State your rank in the Army.

Answer. Inspector-general and brevet major-general.

Q. What position did you hold on the 29th of August, 1862?

A. I was then on General McDowell's staff, when he commanded the Third Corps of the Army of Virginia.

Q. Do you recollect being with him on the 29th of August, at the head of General Porter's column, in the neighborhood of Dawkins Branch?

A. I do.

Q. Where did you go then?

A. Went out to the right with the generals, whose object was, I believe, to make some observations, and then returned to the place whence we started.

Q. Where did General McDowell leave you, or did he not leave you?

A. He left somewhere to the east or to his right looking out toward the railroad, my recollection is.

Q. Which direction did he take when he left?

A. I think he went in a southerly direction, off to where his divisions were.

Q. Did you go with him?

A. No.

Q. Which direction did you take?

A. I came a little to the left and went by General Porter's headquarters, and then came down, if I recollect rightly, the road General McDowell went, through the woods; I did not go with him.

Q. You went down the Gainesville road then?

A. Yes, sir.

Q. Did you go back with General Porter, or did you follow him?

A. I really cannot recollect that; I know we met again.

Q. What transpired at that time when you met him there?

A. I had a little conversation; I cannot exactly recollect what it was, except the general said or expressed the belief that he might become engaged with the enemy, and that he had no cavalrymen; he either then proposed, or I proposed, or at any rate the arrangement was made, that he should have half of General McDowell's escort that was with me: it was turned over, and I left. He wanted them to send messages.

Q. At that time where were the enemy?

A. I am sure I do not know.

#### COLONEL JOHN S. MOSBY'S TESTIMONY.

John S. Mosby, formerly colonel of Major-General J. E. B. Stuart's staff, testified as follows (board record, page 887):

Question. When did that battle begin on the 29th—what time of day?

Answer. Pretty early on the morning of the 29th there was heavy fighting.

Q. How long did that continue?

A. My recollection is that there was heavy fighting during most of the day. Early in the morning I suppose I was about the rear of the center of Jackson's line, and I suppose about 8, or 9, or 10 o'clock there came a report that our left flank had been turned, over in the direction of Sudley; I went over there with the First Virginia Cavalry, according to my recollection, for the purpose of checking that, and we were there the whole of the day.

Q. What of the action could you see and hear? Describe all that you recall of that action.

A. We could not see the fighting. I was with this cavalry, and I suppose we were half a mile, or part of the time within a mile of it. In the morning this regiment that I got with I suppose was not half a mile in the rear of Jackson's line; but when the report came that the Federal cavalry was over on Jackson's left, and there was danger of their capturing his wagons and ambulances that were in the rear of Sudley Church, this cavalry was sent over there to protect Jackson's left, and I went with it.

Q. Do you know what the losses of Jackson were in that action?

A. No, sir.

Q. From 12 o'clock noon up to 3 o'clock in the afternoon, do you recollect the character of the fighting as far as you could judge from the sound?

A. My general recollection of it is that most of the day there was heavy fighting. I cannot particularize.

Q. Musketry and artillery?

A. Musketry and artillery.

LIEUTENANT-COLONEL THOMAS C. H. SMITH'S TESTIMONY.

Attention is also called to evidence of Lieutenant-Colonel T. C. H. Smith, afterwards brigadier-general, as follows:

By the JUDGE-ADVOCATE:

Question. Will you state in what capacity you were serving in the Army of Virginia in its late campaign under General Pope in August last?

Answer. I was aid-de-camp on the staff of General Pope.

Q. Did you or not, on the 28th or 29th of August, carry any orders from Major-General Pope to Major-General Porter which concerned his movements on those days?

A. I did not.

Q. Did you or not see General Porter during either of the days of the 27th, 28th, and 29th of August?

A. I saw General Porter on the afternoon of the 28th.

Q. At what place and under what circumstances did you see him?

A. I had been sent back to the ammunition on the train at Bristoe, and charged with its distribution. General Porter wished over four hundred thousand rounds; General Hooker something over ninety thousand rounds. About 2 or 3 o'clock I had sent forward to General Porter some three hundred and twenty thousand rounds, and had seized wagons to forward the balance, and left Captain Platt in charge. The business being then sufficiently forward, I went on to find General Pope. On getting to the point where I had left General Pope in the morning, I found he had moved on, and, to inquire the road he had taken, I went to General Porter's headquarters, near the Manassas water-station. I found General Porter in his tent, and asked him which road General Pope had taken, and he informed me. I had some ten minutes' conversation with him. One of his staff was present; I forget his name.

Q. Will you state that conversation?

A. After asking him about the road, I told General Porter the amount of ammunition that I had sent forward to him, and also that the balance would come immediately forward. I asked him if he had received it, or made some remark; I cannot remember the exact expression. General Porter said that he had not; that was the substance of his reply—either that he had received it, hardly any of it, or none of it, if I remember aright. I expressed some surprise, and said that it had been sent forward to the front as ordered; and, either in reply to some question of mine or to some remark, or of himself, he said that he had no officers to take charge of it and distribute it, or to look it up, or something of that kind. I remarked that he could hardly expect us at headquarters to be able to send officers to distribute it in his corps; that it had been sent forward on the road in the direction where his corps was. He replied that it was going where it belonged; that it was on the road to Alexandria, where we were all going. I do not know as it is evidence to give the spirit in which this was said—the way it impressed me. Those remarks were made in a sneering manner, and appeared to me to express a great indignance. There was then a pause for a moment. General Porter then spoke in regard to the removal of the sick and wounded from the field of Kettle Run. He said it would hurt Pope, leaving the wounded behind. I told him that they were not to be left behind; that I knew that a positive order—an imperative order—had been given to General Banks to bring all the wounded with him, and for that purpose to throw property out of the wagons if necessary. To this General Porter made no reply in words; but his manner to me expressed the same feeling that I had noticed before. This conversation, from General Porter's manner and look, made a strong impression on my mind. I left him, as I have said, after an interview of about ten minutes, and rode on, arriving at our headquarters on Bull Run just as we entered them and pitched our tents for the night. After my tent was pitched, and I had had something to eat, I went over to General Pope and reported to him briefly what I had done in regard to the ammunition. I then said to him, "General, I saw General Porter on my way here." Said he, "Well, sir." I said, "General, he will fail you." "Fail me," said he; "what do you mean? What did he say?" Said I, "It is not so much what he said, though he said enough; he is going to fail you." These expressions I repeat. I think I remember them with exactness, for I was excited at the time from the impression that had been made upon me. Said General Pope, "How can he fail me? He will fight where I put him; he will fight where I put him; or, 'He must fight where I put him; he must fight where I put him'—one of those expressions. This General Pope said with a great deal of feeling, and impetuously, and perhaps overbearing, and in an excited manner. I replied in the same way, saying that I was certain that Fitz-John Porter was a

traitor; that I would shoot him that night, so far as any crime before God was concerned, if the law would allow me to do it. I speak of this to show the conviction that I received from General Porter's manner and expressions in that interview. I have only to add that my prepossessions of him were favorable, as it was at headquarters, up to that time. I never had entertained any impressions against him until that conversation. I knew nothing with regard to his orders to move up to Kettle Run. I knew nothing of any failure on his part to comply with any orders.

Q. State more distinctly the point where you saw General Porter on the 28th of August?

A. *He was encamped at the Manassas water-station, between Bristoe and the junction. The water-station was a short distance from his headquarters. (The witness indicated upon the map before the court where he thought the place to be.) I do not think the water-station is more than one-third the distance from Bristoe to Manassas Junction. That is my impression; I cannot speak positively about it.*

Q. In the conversation to which you refer, did or did not General Porter manifest any anxiety to get possession of, and have distributed in his corps, the ammunition of which you speak?

A. No, sir; I thought he showed an utter indifference upon the subject; showed it very plainly.

Q. At what hour of the day did this conversation between you and General Porter take place?

A. *I think it must have been about four o'clock in the afternoon; half past three or four o'clock.*

Q. In anything that was said in that conversation, or in the manner of General Porter, was there evidenced any desire or any willingness on his part to support General Pope in the military operations in which he was then engaged?

A. *Quite the contrary to that.*

Q. Can you state whether the disinclination to support General Pope, which you thought he manifested, was the result of disgust with the immediate service in which he was then engaged, or of hostility to the commanding-general, or upon what did it seem to rest?

A. *It seemed to me to rest on hostility. But I do not know that I could analyze the impression that was made upon me. I conveyed it to General Pope in the words that I have stated. I had one of those clear convictions that a man has a few times perhaps in his life as to the character and purposes of a person whom he sees for the first time. No man can express altogether how such an impression is gained from looks and manner, but it is clear.*

Q. Had you passed over the road between Bristoe Station and Warrenton Junction on that day or on the previous day?

A. *On the previous day, the 27th, I came over it after General Pope.*

Q. At what hour of the day did you pass over it?

A. I should say that I left our headquarters, about a mile from Warrenton Junction, about half past four or five o'clock in the afternoon. I should say it was past the middle of the afternoon.

Q. What was the condition of the roads then?

A. For the first mile and a half, until you got to Cedar Run, the road was bordered on either side by open fields or open woods, over which troops could march easily, in great part without going on the road. Indeed, I don't whether there is any regular road a good part of the way up. The troops marched through the fields to Bristoe Station.

Q. Were you or not present at the battle of the 29th of August?

A. Yes, sir; I was present.

Q. Throughout the engagement?

A. I left with General Pope when he rode on to the field, but on the way out he sent me with an order off the road, so that I did not get on the field for two or three hours after that.

Q. At what time did you regard the battle as commencing?

A. The smoke was rising over a considerable portion of ground, I should say a mile, plainly in view, when we were at Centreville; and there was some heavy cannonading. I should say it was about 10 or 11 o'clock when I first came to Centreville, and it was about 11 or 12 o'clock when I saw the appearance of which I speak—the sign of a heavy action, from the smoke rising. It was very plainly in view from Centreville; you looked right down upon it, and you could hear the sound of the guns. I did not ride up to the town at first, but finding that General Pope had not ridden on, as I had supposed, I rode back to Centreville, and then it was I saw the appearance I speak of, about 11 or 12 o'clock. I should mention, too, in order that it may be clearly understood in regard to the action, that at the time I was sent off from the road, while General Pope was riding on the field there was a cessation of cannon-firing for a considerable time, I should say for certainly a half an hour.

Q. Was or was not the battle raging at 5 p. m. on that day?

A. Yes, sir; severely.

## WILLIAM L. FAXON TESTIFIES.

William L. Faxon testifies as follows (board record, page 844):

Question. State your occupation?

Answer. Superintendent National Sailors' Home, Quincy, Mass.

Q. Were you in the military service of the United States on the 29th of August, 1862; if so, in what capacity?

A. I was assistant surgeon of the Thirty-second Massachusetts from the 2d of June, 1862, until along in August, 1863.

Q. Where were you on the night of the 27th?

A. In camp at Warrenton Junction.

Q. In whose brigade and division?

A. I was in the second brigade, first division, Fifth Corps, Morell commanding division, and General Griffin commanding the brigade.

Q. At what time did you leave Warrenton Junction, and what direction did your regiment take?

A. The bugle sounded for an early start, and it was quite dark. We got out just before daylight, and my brigade lay outside of the wood in which we camped until the sun was pretty high.

Q. What direction did you take from there?

A. We marched off a little to the left of the wood and crossed a little run, and went up to Catlett's, and from there to Bristoe; followed the general direction of the Orange and Alexandria Railroad.

Q. At what time did you arrive at Bristoe Station with your regiment?

A. I judge about the middle of the afternoon.

Q. During that time did you see General Porter?

A. I saw General Porter only as I crossed the run at Bristoe.

Q. Where was he at that time?

A. He was at a little house on the left hand of where I crossed; that is, on the side toward Washington. He and his staff were at a little house; I think it was a kind of peach orchard; I think most of them were sitting down.

Q. Describe what you saw and heard, so far as General Porter was concerned.

A. As I crossed the run I heard General Porter make this remark: "Go tell Morell to halt his division"; and he added, "I don't care a damn if we don't get there." I am very particular about those words, because I recollect them, and I have spoken of them.

Q. On the next morning where were you?

A. I marched with the regiment, and I think we went up about as far as Manassas Junction, where we halted a short time; then the regiment turned off to the left, I believe, and crossed the road and came off on a road not exactly parallel, but curving off and following the general direction of the Manassas Gap Railroad. I think.

Q. Do you know the place where you halted?

A. We halted on a small knoll; part of it overlooked quite a large valley; quite a large part of it was cleared, and on the right I saw the line of the Manassas Gap Railroad.

Q. This point that I have indicated on the map as Dawkins Branch.

A. I should take the branch to be a little farther away. I should take the branch to be about a mile away from the place where we halted; there might have been a dry run at the foot of this knoll, but I think not.

Q. What did you do after you came to a halt there?

A. I went down on the railroad. I went around generally in the woods and looked at the situation generally; saw firing was going on along the right of us, over toward Thoroughfare Gap.

Q. Did you see any indications of an enemy immediately in your front.

A. I did not see any for a mile or more; I looked along through the field close; General Porter came up and borrowed a glass of me, he asked me what I had seen. I told him I thought there was a battery coming in about a mile from us on the Washington side of the road. Not very far from it I think there was a small house, and I saw something that led me to suppose that there were men going in there.

Q. Do you recollect what reply he made?

A. I do not know that he made any reply to me.

Q. Did that battery open upon you?

A. It opened shortly afterwards; of course I cannot tell you how many minutes, because I did not keep any note of the time. I had no intention of making any memorandum. It opened and fired before the troops were withdrawn; I think not exceeding three, might have been four, possibly but two, shots.

Q. Where did those shots strike?

A. One of the shots struck a man in the front rank of the First Michigan In-

fantly, and passed through his abdomen, and struck the first man in the rear rank in the thigh.

Q. You were there at the time?

A. I was at the place and saw the men. They were sitting or lying just a little lower down on the slope of the hill in front of me.

Q. Then what was done?

A. Shortly after that we withdrew.

Q. What indications, if any, did you see of an enemy in your front or to your right and front or to your right?

A. To the right and front.

Mr. CHASE. I do not know that an assistant surgeon is a military expert.

The RECORDER. I asked him what he saw.

Mr. CHASE. I have no objection to what he saw.

A. (Continued.) Beyond this general clearing to quite a large extent there was a smaller clearing, only a part of which could be seen; there was a small opening in the woods; across that opening there came a small body of men; they halted in the opening, where there was evidently a depression, but their heads and shoulders could be plainly seen.

Q. About how many men?

A. I should judge, not over twenty.

Q. What else did you see of an enemy in your front, or to your right and front—or to your right?

A. Nothing.

Q. Could you see anything that would indicate the march of troops; if so, what?

A. I could see a large cloud of dust on the Warrenton turnpike moving towards Centreville.

Q. After that where did you go?

A. I went into camp with troops at night, after they withdrew.

Q. Did they remain in this advanced position during the day?

A. They were withdrawn in the afternoon; the sun was declining in the heavens.

Q. How far were they withdrawn?

A. I should judge inside of a mile.

Q. More than half a mile or less?

A. That I could not tell you; I could go to the spot, to the place where they came, because we withdrew on the same road, and then came back and went into camp again after dusk.

I here insert the 4.30 p. m. order carried by Douglas from General Pope to General Porter:

That the accused being in front of the enemy during the battle of Manassas on Friday the 29th August, 1862, did receive the following lawful order:

HEADQUARTERS IN THE FIELD,

August 29—4.30 p. m.

MAJOR-GENERAL PORTER: Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and if possible on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE, *Major-General Commanding.*

CAPTAIN DOUGLAS POPE SWORN.

Captain Douglas Pope was then called by the Government and sworn and examined, as follows:

By the JUDGE ADVOCATE:

Question. Will you state what is your rank in the military service?

Answer. I am captain and additional aid-de-camp.

Q. Were you with the Army of Virginia in its late campaign under Major-General Pope?

A. I was.

Q. In what capacity?

A. As additional aid-de-camp to General Pope.

Q. Were you or not on the field of the battle of Manassas on Friday, the 29th of August?

A. I was.

Q. Did you or not on that day bear any order from General Pope to General Porter; and, if so, what was its character, and at what hour did you bear and deliver it?

A. I received an order from General Pope, to be delivered to General Porter, at

half past 4 o'clock. The purport of the order I did not know at the time. I went directly to General Porter with that order, and it reached him *by five o'clock*.

Q. Was or was not that the only order which on that day you had to General Porter from General Pope?

A. *It was.*

Q. Where did you find General Porter with his command?

A. I found him at the forks of the road leading from Manassas to Gainesville and Groveton, on the railroad.

Q. What distance was that from Manassas Junction?

A. I do not know, of my own knowledge; but I have heard that it was between two and three miles.

Q. What distance from the battle-field where the engagement was then pending?

A. When I received the order I was to the right of the battle-field, and I suppose it was a distance of about three miles from General Porter.

Porter was not with the head of his column, but back within two miles of Manassas Junction.

Q. Did you or not, on delivering the order, learn its character?

A. I did not.

Q. What statements, if any, did General Porter make to you in regard to the movements which the order contemplated he should make?

A. In a conversation which I had with General Porter, after his reading the order, he explained to me on the map where the enemy had come down in force to attack him, and had established a battery. I understood him to say that the enemy had opened upon him; but what he had done I do not now remember.

Q. How long did you remain with General Porter?

A. About fifteen minutes, I suppose.

Q. While you were there, or at any time before you left, did you observe any orders given or any indication of preparation for a movement in the direction of the battle-field?

A. I did not.

Q. In what condition were the troops there at that time?

A. I saw only a portion of them; the portion that I saw I believed belonged to General Sykes's division. They were on the road between the forks of the road and Manassas—what small portion of the troops I saw that belonged to General Porter's corps. It was my impression they were halted there; I saw the arms of some of them stacked.

Q. They had their arms stacked?

A. Yes, sir.

Q. Was not the sound of the artillery of the battle then pending distinctly audible at that point?

A. It was.

Q. And was the sound of the small-arms distinctly audible at that point?

A. In regard to the small-arms I do not remember; but I could hear the artillery very plainly, very distinctly.

Q. Was it continuous, indicating a continued action?

A. It was.

Q. Did or did not General Porter make any inquiry of you at all as to the condition of the forces then engaged in battle?

A. There were inquiries made of me by an officer—one of General Porter's aids-de-camp, I think. I do not think that General Porter said anything to me about it.

Page 58, G. C. M.:

Q. As you have passed over the road and know the distance, will you state within what time General Porter and his command could have reached the battle-field after the delivery of that order?

A. To have reached where I had received the order would have taken him two or three hours, I suppose—that is, to the extreme right of our army.

Q. Within what time would it have required him to reach the right flank of the enemy?

A. I could not state, because I do not know where the right flank of the enemy then was. My impression, though, from what General Porter said, was that the enemy were nearly in his front. I supposed them about a mile from him. That was merely my impression from the conversation I had with General Porter.

Q. Did you or not have another interview with General Porter after that time?

A. I did not. After receiving a written reply to the order I had delivered to General Porter, I started on my way back, and I suppose I had got a mile or a mile and a half from where General Porter was, when I was overtaken by an orderly, who said General Porter wished to see me. I got part way back when I



met an officer, I supposed an aid-de-camp of General Porter, who said that General Porter wished to see me. I went back, and this aid-de-camp told me I better wait a few minutes. I did not see General Porter then.

Q. Had you, or not, seen this officer whom you supposed to be an aid-de-camp during your first interview with General Porter?

A. I had, and had had a conversation with him.

Q. In the presence of General Porter?

A. While General Porter was writing the reply to the order I had delivered to him.

Q. What seemed to be his rank?

A. He was a first lieutenant, I think.

Q. Did he, or not, perform any act or make any remark in the presence of General Porter which induced you to believe that he was an aid-de-camp? If so, state what that remark and what that act was.

A. I do not remember his making any remark to General Porter, or General Porter saying anything to him. My impression is that he told me that he was an aid-de-camp. I firmly believed at the time that he was General Porter's aid-de-camp. I did not see any act indicating that, excepting that he was associated with General Porter; he was very close to General Porter at the time I had the conversation with him; within hearing of General Porter if he had listened to it.

Q. Do you, or not, suppose that his statement to you, that he was an aid-de-camp of General Porter, could have been heard by General Porter if he had been listening to your conversation?

A. It could.

Q. Do I not understand you, then, to say that that conversation occurred in fact in the presence of General Porter?

A. In the presence of General Porter; yes, sir.

Q. Were you, or not, charged by that officer with a message to General Pope that a scout had come in reporting that the enemy were retreating through Thoroughfare Gap?

A. I was.

Q. Did you regard that message as given to you seriously or jestingly?

A. Seriously.

Q. How long a time had elapsed from the time of your interview with General Porter until your return to General Porter's encampment?

A. About three-quarters of an hour, I suppose; between that and an hour.

Q. On your return to his encampment, did you or not observe any preparation on the part of his officers or of the troops for an advance upon the enemy?

A. I did not.

Q. What was the dress of this officer whom you supposed to be an aid-de-camp?

A. I do not remember. I do not know whether he had a staff officer's shoulder-straps on or a line officer's. I do not remember now which it was. He was in uniform.

The examination by the judge-advocate here closed.

#### Examination by the ACCUSED:

Q. How does the witness fix the hour of the day when he left General Pope to bear the order?

A. From the date of the order, which was dated at 4.30 p. m.

Q. Was the road which you took to bear the order from General Pope to General Porter direct or circuitous?

A. My impression is that it was a direct road.

Q. Did you pass through Manassas Junction?

A. I did not, that is, in conveying the order to General Porter, I did not.

Q. Did you go up the railroad towards General Porter?

A. I did not; I met him right on the railroad?

Q. You have stated how you fix the time when you received the order; how do you fix the time of its delivery?

A. By the distance and the rate at which I carried the order.

Q. And so fixing it, you determine the order to have been delivered at 5 o'clock?

A. Not precisely at 5 o'clock, by 5 o'clock.

Q. You mean as early as 5 o'clock?

A. As early as 5 o'clock. It may have been three or four minutes after 5 o'clock.

Q. We understand you to say that you make this judgment as to the time from the distance which you had to pass over and the rate you went?

A. Yes, sir.

Q. When you first started to go back from General Porter to General Pope, did you take the same road back by which you had come to General Porter?

A. I did.

## TESTIMONY OF GENERAL GEORGE SYKES.

On the original trial Brigadier-General George Sykes swore, after saying that he was with the petitioner when an officer brought him the order from General Pope, as follows (G. C. M. record, pages 177, 178):

Question by JUDGE-ADVOCATE. Did General Porter make known to you the character of that order?

Answer. *He did not.*

Q. Did he read it in your presence?

A. Not that I know of.

Q. How long did you remain with General Porter on that occasion, after the receipt of this order?

A. I continued with him from that time all night.

Q. *You had then, as I understand you to say, no knowledge that a positive order had been given by General Pope on that afternoon for General Porter to attack the enemy on their right flank?*

A. *I had no such knowledge.*

The evidence of General Sykes leads *directly* to the conclusion that the petitioner had no intention or desire to attack or he would have told his division commander then and there.

Look at it in any light, there was no effort then, or at any time afterwards on that day, to put Sykes's division into position to support or participate in an assault.

## CAPTAIN GEORGE M. RANDALL'S TESTIMONY.

Captain George M. Randall, Twenty-third United States Infantry, a Government witness (board record, page 725), testified as follows:

## Direct examination:

Question. On the 29th of August, 1862, where were you, and what rank did you hold in the service?

Answer. Second lieutenant, Fourth Infantry, attached to Sykes's division.

Q. Where were you on that morning?

A. We were at Bristol Station.

Q. Moved up from there to Manassas Junction?

A. Yes, sir; from Manassas Junction we took position on the Gainesville road beyond Bethlehem Church.

Q. When you were at Manassas Junction were there any indications of an action? If so, what were they?

A. Yes, I think so; I heard very distinctly heavy firing; as near as I can recollect, it was about half past 9 or 9 o'clock in the morning.

Q. How long did you continue to hear that?

A. I do not recollect; I heard artillery firing during the day several times, and I think about three or quarter to 4 o'clock in the afternoon I heard it again; quite a brisk firing at that time.

Q. How far did you get upon the Manassas and Gainesville road?

A. I think we moved about three miles, probably four miles beyond the church.

Q. Did you go up to the front?

A. Very near it, sufficiently far that I could see the opening between our lines and where the rebels were supposed to be; at that time we were in a belt of timber; the head of the column, as near as I can recollect, halted at the edge of it.

Q. What indications were there of an enemy in front of you?

A. I heard several shots exchanged, and also some few shots from the skirmish line.

Q. Anything more?

A. That is all.

Q. Did you see any enemy?

A. I did not.

Q. What did your brigade then do?

A. I think some time in the afternoon we countermarched, probably about two and a half miles, and then halted and bivouacked for the night.

## Cross-examination by Mr. BULLITT:

Q. About what time did your company get up into the front?

A. I think about 11 o'clock.

Q. How near to the front were you?

A. I suppose we were three-quarters of a mile from the front : sufficiently near so that we could see the open space.

Q. Did you change your position that day at all to the right or left?

A. I think not. I think we moved to the rear.

Q. You have no recollection of being moved back into the woods?

A. I think we halted in the woods.

Q. The only move you made was to march back about two miles?

A. Yes; that is all I recollect.

Q. How far back in the woods were you?

A. We went back about two and a half miles or two miles, but the exact point it is impossible for me to mark : we may have moved up *here* [in the woods] and taken a zigzag.

Q. Then you took your position in the woods, and then you subsequently countermarched toward Bethlehem Church. Now, I want to know whether you made any other movement after you had passed Bethlehem Church, and got up toward Dawkins Branch, except first to march to the point where you first halted then you got into the woods, and afterwards countermarched about two miles back to Bethlehem Church; did you make any other movement during that day?

A. No, sir.

Q. Will you explain what you mean by countermarching in that particular instance?

A. We marched to the front, and then faced the column about and went to the rear.

Q. Did you countermarch by brigade?

A. By regiments and brigades, as near as I can recollect.

Q. By which, regiments or brigades?

A. By brigades, I think.

Q. You were in the leading brigade as you went forward?

A. I was in the leading brigade, Sykes's division.

Q. When you countermarched and marched to the rear, where were the other two brigades of the division?

A. I think they were going to the rear.

Q. You did not pass them?

A. No, sir; I think not.

Q. Did you march in the road, going back?

A. Yes, as near as I can recollect.

CHARLES DUFFEE SWORN.

Charles Duffee (page 609, board record), called on behalf of the Government, being duly sworn, testified as follows:

Direct examination by the RECORDER:

Question. Where do you reside?

Answer. Washington Court-House, Ohio.

Q. On the original trial in 1863 of the petitioner here you were called as a witness for the Government, were you not?

A. Yes, sir.

Q. And testified as to the direction you took in delivering a certain order, commonly known as the "4.30 p. m. order."

A. Yes, sir.

Q. Where were General Pope's headquarters on Friday afternoon, August 29, 1862, about 4 o'clock?

A. He was at the right-hand side of the stone house on the hill.

Q. Do you know what that hill is called?

A. I don't recollect now. I recollect the place very well.

Q. Where were you at the time that Captain Pope received the 4.30 order?

A. I was at General Pope's headquarters, not over three or four rods from his headquarters, in the edge of the woods.

Q. What were you doing there?

A. Awaiting orders.

Q. What then transpired?

A. Captain Pope called for his horse and mine and I fetched them up; Mr. Ringles, I believe, gave him the order. He was giving him the directions of Porter's headquarters when I came up. I spoke up and told him I knew the road; I had been through there before.

Q. How soon after that did you start?

A. We immediately started. I think I was mounted when he was speaking about the road, if I recollect right.

Q. Have you since been over the route that you took at that time?

A. Yes, sir.

Q. Recently?

A. Last Tuesday.

Q. Under my instructions?

A. Yes, sir.

Q. In this conversation with Mr. Collins, when you pointed out the route on that map, did you not state that the route which you took was an old road, not used by wagons, but wagons could have traveled it?

A. Yes; part of the road was.

Q. I ask you what you said to him.

A. I don't know whether I told him the whole road was so or not.

Q. I only ask you what you told Collins. Did you tell him that it was an old road not used by wagons, but wagons could have traveled over it?

A. Do you mean to say the whole distance?

Q. I ask you what you said to him.

A. I didn't tell him the whole road; a part of the road.

Q. You told him a part of the road?

A. Yes, sir.

Q. Did you tell him that neither Captain Pope nor any other officer went with you, but that five or seven men went with you?

A. I did. I didn't want him to know that Captain Pope was with me. I didn't care much about answering his questions. I was not under oath.

Q. You were not under oath, and therefore you did not feel bound to tell him the truth?

A. That is it exactly. I found out when he got to that point what he wanted and I evaded the question.

Q. You did tell him Captain Pope was not with you?

A. I did, as soon as I mistrusted what his object was.

Q. Did you tell him that you were ordered to leave three of the men with you at General Porter's if there were five, or four if there were seven with you?

A. I don't recollect telling the number.

Q. Do you recollect telling him that you were ordered to leave any men with General Porter?

A. I told him that was the direction; I don't know whether I told him I was so directed.

Q. Do you recollect saying to him that you traveled slowly, for both you and your horse were worn out, and besides that you did not know but you might run into the enemy at any time?

A. Not going; coming back.

Q. I ask you what you said to him. Did you tell him that you traveled slowly for both you and your horse were worn out?

A. I told him we traveled slowly coming back.

Q. Did you use the words, "We traveled slowly, for both I and my horse were worn out"?

A. Coming back.

Q. Did you say coming back?

A. Yes; I did.

Q. And did you say to him, "and besides I did not know but what we might run into the enemy at any time"?

A. Yes; coming back.

Q. You said coming back?

A. Yes; that was the only time I suggested running into the enemy, coming back.

Q. Did you say, "I walked my horse a good deal of the way; after I got on the main road at 'E' I soon found it full of General Porter's troops, and they prevented my getting along very fast"?

A. I supposed it was Porter's troops. [Witness looks at the map.] This is too far down. I did not see any "E" on the map when I was talking to him.

Q. You did not say to him, "After getting on the main road at 'E' I soon found it full of General Porter's troops"?

A. Not at "E." I supposed them to be Porter's troops; but it was farther up this way; not as far down as that was.

Q. It was nearer to the railroad than the letter E on the Collins map?

A. Yes, sir.

Q. Did you tell him it was about 6 p. m. when you delivered to General Porter the order?

A. No, sir. He wanted me to say so, but I wouldn't do it. Then he wanted me to say it was half past six, and I wouldn't do it.

Q. You did not want to deceive him, then?

A. I had an object in not letting him know about Captain Pope. I didn't want to be summoned.

Q. Your object in not telling him that Pope was with you was in order not to be summoned here?

A. No; I didn't want to be summoned.

Q. That was the reason you deceived him in reference to Captain Pope being with you?

A. That was one reason.

Q. You did not say that it was not earlier than that, but may have been a little later?

A. How is that? Earlier than what?

Q. "I think it was about 6 p. m. when I delivered the order to General Porter. It was not earlier than that, and may have been a little later."

A. No, sir; I did not say that, because I knew it was not so. I knew it did not take me any hour and a half to ride four and a half or five miles.

By the RECORDER:

Q. Who commanded the battalion of your regiment at the headquarters of General Pope?

A. I don't know as I can tell. I was not with the company much; I was at headquarters all the time; but I think Captain Jones, who was a lieutenant at that time.

Q. Who was the lieutenant-colonel of your regiment?

A. T. C. H. Smith, who was then at Pope's headquarters, and I believe Menken had command of a squadron, but I don't recollect whether it was so or not.

Q. Where did you first see this map called the "Collins map"?

A. I do not know. I saw one map in Columbus. Whether that is the same one or not I do not know. I have no marks by which I can tell.

Q. Who had it there?

A. Francis Collins.

Q. Have you seen him since that time?

A. I saw him here in the court-room; met him at the door on Friday.

Q. Did you make these marks on that map? [red marks.]

A. No, sir.

Q. Are you familiar with maps of that kind?

A. No, sir.

Q. What is your occupation?

A. I am now in the grocery business; my regular business is boots and shoes.

Q. Were you acquainted with Mr. Collins before this interview that you had with him in Columbus?

A. I saw him once before that, but I was never acquainted with him.

Q. Was that the first interview that you ever had with him in reference to this case?

A. I had another interview with him, but he did not tell me at that first interview what his object was, only that he wanted to see me.

Q. How long ago is that?

A. I do not know as I can recollect just what year it was in. It was about eighteen months or maybe two years after the first trial.

Q. What was the occasion of your going to Columbus from your home at Washington Court-House?

A. Do you mean the second time?

Q. Yes.

A. I received a letter from Mr. Collins requesting me to come to Columbus—that he wanted a private interview with me. He stated it would be at his expense if I came. I did not know what he wanted. I supposed it was the Porter case, and I dropped him a few lines and told him if he would send me \$10 I would go, and gave him reference in Columbus that I would perform my part of the contract. In a few days the \$10 came, and I went.

Q. What did Mr. Collins say he wanted with you?

A. He told me, when I first went into his office, that it was in regard to the Porter trial. We talked a few minutes, and he then invited me over to his house.

Q. What did he ask you?

A. It was in regard to the time when we left General Pope's headquarters with that 4.30 order, the road that we traveled, and the time that we got there.

Q. Go on and describe, as near as you can, what questions he asked you.

A. He asked me the road, asked me the point where General Porter's headquarters were, and what time I thought it took me to travel the distance, what time I started, and the time I got there; says he, "Can you recollect whether it was as late as half past six?" I told him no. Then he wanted to know if it was as late as six. I told him it was not.

## WILLIAM B. LORD TESTIFIES.

William B. Lord testifies as follows (board record, marginal page 969):

Question. Will you state, substantially, what that interview was, and what General Porter said?

Answer. I had been directed by the judge-advocate of the court to proceed to the rooms of General Porter and to look for some telegrams that had been introduced in evidence that day, and that had been mislaid in some way. While there looking over some papers General Porter made the remark, "I was not loyal to Pope; there is no denying that."

Q. Do you recall anything else that he said in that connection?

A. I cannot say that I do, and I doubt if I should recall that now but for the peculiarity of the circumstance, and the fact that I made a record of it myself a few days afterward; otherwise, I think likely I should have forgotten it.

Q. That was during the progress of his trial before a general court-martial?

A. It was.

THE PRESIDENT OF THE BOARD. The decision is that the letter is admissible for the purpose stated by counsel, namely, not to prove the fact, but to test the credibility of the witness.

By the RECORDER:

Q. You have stated in your cross-examination that the feelings which had actuated you you expressed at the time you wrote that letter to your wife. It was not called for by the counsel for the petitioner; I will call for it. Please let me know what you stated on the subject, if you have that letter here.

(Witness produces a book.)

A. Shall I read?

Q. Just that part and no more.

The witness read as follows:

"I have been a little bothered about General Fitz-John Porter. I had to go to his room on Monday to get some papers that belonged to the court that he had had to copy. One of the reporters of the New York Times was along with me. While in the room, after some conversation, General Porter made the remark, 'Well, I wasn't loyal to Pope; there is no denying that.' Now, that is really the charge against him before the court-martial—that he did not do his duty as an officer before the enemy, and that he did not act rightly toward General Pope, his commanding officer. General Porter said what he did in the privacy of his own room; without thinking of the effect of his words. After thinking it over, I have concluded it better not to say anything about it now, though I would not promise as much for that newspaper correspondent."

Q. That is your letter-press copy of your letter to your wife?

A. It is.

Q. Do you retain usually letter-press copies of your letters to your wife?

A. All of my correspondence.

Q. Do you know whether or not some one may not have heard the same language, at some other time, or an affidavit made on the subject and communicated to Senator Chandler?

A. I know nothing about that.

## WATERMAN L. ORMSBY CALLED.

Waterman L. Ormsby (board record, page 638), called by the recorder, being duly sworn, was examined and testified as follows:

Direct examination:

Question. Where do you reside?

Answer. 247 Putnam avenue, Brooklyn.

Q. Do you know the petitioner?

A. By reputation.

Q. I mean you know him when you see him?

A. I should not have known him to-day if he had not been pointed out to me.

Q. Do you recollect having seen him at any time during the month of December 1862?

A. I do.

Q. Where was it?

A. In his room in the city of Washington, at his residence.

Q. About what time in the month was it?

A. I can't recollect.

Q. In reference to the beginning or end of the month?

A. I have no recollection.

Q. At the time you saw him there were you accompanied by anybody? If so by whom?

A. By Mr. Lord, the official stenographer of the court-martial.

Q. What is his first name?

A. I think William Blair Lord is his name.

Q. Do you recall the purpose for which you went to General Porter's room?

A. Yes.

Q. Please state it.

A. I went in company with Mr. Lord for the purpose of procuring some documents which had been offered in evidence that day, and which Mr. Lord desired for the official record, and which I desired to be used in my report for the New York Times, which I then represented.

Q. At that time do I understand that General Porter's trial was in progress?

A. It was then in progress.

Q. Do you recollect the conversation?

A. Only a small part of it.

Q. Do you recollect any remarks made by General Porter?

A. I do. One made a strong impression upon me at the time.

Q. What had it relation to?

A. It had relation to his feeling toward General Pope and General McClellan.

Q. What was the remark which he made?

A. "I war'n't loyal to Pope; I was loyal to McClellan."

Q. What did you at the time understand that the remark had reference to?

Mr. CHOATE. That I object to. His understanding of the matter is unimportant.

The RECORDER. On the contrary, if he knows what the conversation is about.

Mr. CHOATE. He should certainly be permitted to give all the conversation that he recollects, but anything outside of that certainly cannot be drawn from the witness.

The PRESIDENT OF THE BOARD. Perhaps the recorder can change the form of the question so as to elicit the facts, without its being subject to objection.

The RECORDER. I will take the ruling of the Board upon the question.

Mr. CHOATE. We suppose that it is the Board's understanding of anything that General Porter may have been proved to have said, and not the witness's understanding.

The PRESIDENT OF THE BOARD. I suggest to the recorder that it might be better to ascertain what transpired to produce an understanding on the part of the witness.

The RECORDER. Then the question is overruled?

The PRESIDENT OF THE BOARD. For the present.

Q. When that remark was made what was the conversation?

A. It would be impossible for me to state another word of that conversation positively. My recollection is that it referred to the testimony which had been given that day, and concerning which General Porter seemed to be considerably excited.

#### EVIDENCE OF GENERAL GRIFFIN.

Then take the evidence of General Griffin. General Griffin commanded one of the brigades of Morell's division. Griffin retired with his brigade to Centreville. He says:

In the evening a little after dark there were some very heavy volleys of musketry, the enemy evidently driving our troops right before them. That musketry was to our right and front, I should say two miles, maybe not so far; maybe further. I should have stated, when I stated that I heard no other firing but artillery, that in marching we had some skirmish firing.

Q. You spoke of having returned from the movement you made to your right in consequence of obstacles that you encountered. What was the character of those obstacles, and what efforts did you make to overcome them?

A. I led off my column. We ran up into some little thick pine bushes. We halted there. The next order I got was to move back again. Some one reported that we could not get through. I made no reconnaissance whatever myself.

Q. You say that you had failed to get through to the right during the day of the 29th of August. Will you state what efforts were made by you, or by General Porter, to get through on the right during that day?

A. I merely obeyed orders.

He does not say that he made any effort, but "I merely obeyed orders."

My position was at the head of my brigade. What efforts General Porter made I am not aware of.

#### GENERAL MORELL'S TESTIMONY.

General Morell, division commander of Porter, says:

Colonel Marshall reports that two batteries have come down in the woods on our

right, toward the railroad, and two regiments of infantry on the road. If this be so, it will be *hot* here in the morning.

Q. Was that returned with this indorsement of General Porter: "Move the infantry and everything behind the crest, and conceal the guns. We must hold that place and make it too hot for them. Come the same game over them that they do over us, and get your men out of sight"?

A. Yes; that was the next one.

Q. When that was received by you, directing you to move your infantry and everything behind the crest, and conceal the guns, where were your infantry and the other troops?

A. At that time they were deployed in line, mostly two brigades, along the crest that leads to the descent toward Dawkins Branch.

Q. It was from there that you were directed to move?

A. From there I was directed to put the men under cover. On this left-hand side of the road, as we advanced, it was all open ground; on the right-hand side bushes. One of my batteries, supported by a brigade, was on the right-hand side of the road, just on the crest of the ridge; the other battery on this side. When General Porter sent me that order I put them back into this fine bushes; and the other two batteries on this side of the road were on a slight depression; I supposed the ridge in front would conceal them from the enemy. I had three batteries, and one was in position all the time.

General Morell continues, on page 423, board record:

Question. Why is it that on No. 30, the communication from General Porter to yourself, and on those that follow, there is no memorandum of the hour and minute of the receipt?

Answer. It was always my practice to note the hour of the receipt. Two days previous to that, on the march from Kelly's Ford to the Junction, I injured my watch, and then I had to guess at the time.

Q. And you did not put on the guess?

A. I did not put on the guess.

Q. Will you state whether the indorsement of General Porter on No. 31 was received by you as appears upon it?

A. Yes, sir.

Q. Your communication to him is this:

General PORTER: I can move everything out of sight except Hazlett's battery. Grudin is supporting it, and is on its right, principally in the pine bushes. The other batteries are retired out of sight. Is this what you mean by everything?

GEO. W. MORELL, *Major-General*.

A. Yes, sir.

The indorsement was read, as follows:

"I think you can move Hazlett's, or the most of it, and post him in the bushes with the others, so as to deceive. I would get everything, if possible, in ambuscade. All goes well with the other troops.

"The WITNESS. Yes, everything was out of sight except Hazlett's battery. That was exposed all day long."

Q. Then, on the receipt of No. 31 from General Porter, you did not succeed in getting Hazlett's battery under cover?

A. No, I didn't attempt to. I wanted to keep one battery in position. That was in front of the bushes, with a brigade immediately behind it. The other two brigades were massed in the rear of that.

General MORELL: Tell me what is passing, quickly. If the enemy is coming, hold to him, and I will come up. Post your men to repulse him.

F. J. PORTER, *Major-General*.

Q. What next?

A. Then, I think, 35; which is a note from me to General Porter:

General PORTER: Colonel Marshall reports a movement in front of his left. I think we had better retire. No infantry in sight, and I am continuing the movement. Stay where you are, to aid me if necessary.

MORELL.

"Colonel Marshall reports a movement in front of his left. I think we had better retire."

What does Porter say?

General MORELL: I have all within reach of you. I wish you to give the enemy a good shelling, without wasting ammunition, and push at the same time a party over to see what is going on. We cannot retire while McDowell holds his own.

F. J. P.



I desire in this connection to call the attention of the Senate to the following facts. General Morell, in his testimony, says:

Question. Did the putting of those that were foremost under cover cause any movement of those behind them?

Answer. I think not. I think those immediately behind Hazlett's battery remained where they were, and the others went to the rear.

Q. Will you look at the communication from General Porter to Generals McDowell and King, on that day, which is printed on page 243 of the original record?

Generals McDOWELL and KING: I found it impossible to communicate by crossing the woods to Groveton. The enemy are in great force on this road, and as they appear to have driven our forces back, the force of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy.

Q. What I want to ask is, whether you had any knowledge of that communication being made that day?

A. I don't remember it.

Q. Did you receive or know of any order indicating a withdrawal to Manassas?

A. No, sir; nothing of the kind.

Q. Or any movement in that direction?

A. Nothing of the kind.

Q. Will you look at a copy of a communication from General Warren to General Sykes, dated 5.45 p. m., August 29, 1862, which has been put in evidence? [Paper shown witness.] In this General Warren uses these words. I will read the whole of it:

GENERAL SYKES: I received an order from Mr. Cutting to advance to the support of Morell; I faced about and did so. I soon met Griffin's brigade withdrawing, by order of General Morell, who was not pushed out, but retreating. I faced about and marched back two hundred yards or so; I met then an orderly from General Porter to General Morell saying he must push on and press the enemy; that all was going well for us and he was retreating. Griffin then faced about and I am following him to support General Morell, as ordered. None of the batteries are closed up to me.

Respectfully,

G. K. WARREN.

Q. Do you know anything of that allusion to yourself in it?

A. No, sir; I never gave General Griffin any order of that kind.

Q. What kind?

A. That he should retire or retreat. There was no order to leave the front, except to get under cover of those bushes.

Q. State whether during the whole of the 29th you had your whole division in command ready to meet any attack that might be made by the enemy.

A. Yes; I did.

Q. Although they were under cover, as you have described?

A. Within reach at any rate of the batteries, just at the other side of the road—within a few minutes' call.

Q. Were your advanced regiments and skirmishers in such position in the neighborhood of Dawkins Branch that if any movement toward attacking you had been made by the enemy you would have known it in time to receive it with the whole of your division?

A. I think so.

Q. Will you state what action you took in obedience to No. 37, which directed you to push up two regiments supported by two others preceded by skirmishers, the regiments at intervals of two hundred yards, and attack the section of artillery opposed to you—what you did with the four regiments indicated, and what you did with the rest of your division in connection with what you did or what you ordered?

A. When I received that order—the latter part says, “the battle works well on our right”—

“the battle works well on our right; the enemy said to be retreating up the pike”—I said immediately to the person who brought it that the order was given under a misapprehension. We knew the enemy were not retreating; and I believe I sent that message to General Porter. I immediately gave orders to move the whole of my division to the front to be in readiness to support the four regiments. While that was going on I received a verbal order from Colonel Locke to make an attack. When I received this order it was quite late in the afternoon, just before sunset; the sun was almost touching the tops of the trees. And soon after that an order

in writing, which is No. 38, "to put the men in position and remain during the night."

General Morell's attention was here called to Colonel Locke's statement on court-martial trial, and then this follows:

"He (that is, the messenger from General Pope) handed the general a note, which I afterward ascertained was an order for him to attack the enemy at once. He very soon afterward ordered me to ride up to General Morell and direct him to move forward and attack the enemy immediately, and to say that he would be up himself right after me."

Then on page 223:

"Toward the close of the day, when I was sent by General Porter to General Morell with the order for him to move forward his division and attack the enemy, on my way up to General Morell I passed Colonel, now General, Warren."

Is that, as you now understand it, the verbal order which General Locke finally brought to you to attack after you had received and were proceeding to execute No. 37?

A. I think now that it is, from conversations that I had had with Major Earle. At the time I knew nothing about this 4.30 order.

Q. You merely received this written and verbal order directing an attack in succession?

A. Yes; and when Colonel Locke came to me with that order I was engaged in getting my men up to the front and I supposed it was rather supplementary to the written order, and perhaps to expedite the movement. After this investigation was begun I tried very hard to recollect who brought me that written order to attack with four regiments, and until I conversed with Major Earle and saw the letter of his I could not fix it. But upon talking with him I am very well satisfied now that he did bring the order, and that Colonel Locke's order referred to the 4.30 p. m. order.

Q. Colonel Locke's order that he describes as being for you to attack with your division?

A. As Colonel Locke states in his testimony on page 223. I cannot speak positively, but from conversation with Major Earle and my recollection, I have no doubt that it is so.

There is the evidence of his own staff officer showing that he saw him receive the order, and that he immediately sent an order to Morell to attack, and so soon as he gave the order for Morell to attack, then he dispatched a written order to Morell directing him not to attack, but to remain in *statu quo* all night. Hence all of the statement made by the Senator from New Jersey, or that which may be made by anybody else, that Fitz-John Porter did not receive that order until late, after 6 o'clock, is not true.

Dispatches that passed between Porter and General Morell on the 29th of August, 1862, while Morell occupied the position mentioned by him in his testimony, and while Porter was  $2\frac{1}{2}$  miles back at Bethlehem Chapel:

#### DISPATCHES BETWEEN PORTER AND MORELL.

AUGUST 29, 1862.

GENERAL MORELL: Push over to the aid of Sigel and strike in his rear. If you reach a road up which King is moving, and he has got ahead of you, let him pass, but see if you cannot give help to Sigel. If you find him retiring, move back toward Manassas, and should necessity require it, and you do not hear from me, push to Centreville. If you find the direct road filled, take the one via Union Mills which is to the right as you return.

F. J. PORTER, *Major-General*.

Look to the points of the compass for Manassas.

GENERAL MORELL: Hold on, if you can, to your present place. What is passing?

F. J. PORTER.

GENERAL: Colonel Marshall reports that two batteries have come down in the woods on our right towards the railroad, and two regiments of infantry on the road. If this be so, it will be *hot* here in the morning.

GEO. W. MORELL, *Major-General*.

Indorsed as follows:

Move the infantry and everything behind the crest, and conceal the guns. We

must hold that place and make it too hot for them. Come the same game over them they do over us, and get your men out of sight.

F. J. PORTER.

GENERAL PORTER: I can move everything out of sight except Hazlitt's battery. Griffin is supporting it, and is on its right, principally in the pine bushes. The other batteries and brigades are retired out of sight. Is this what you mean by everything?

GEO. W. MORELL, *Major-General*.

Indorsed as follows:

GENERAL MORELL: I think you can move Hazlitt's, or the most of it, and post him in the bushes with the others so as to deceive. I would get everything if possible in ambuscade. All goes well with the other troops.

F. J. P.

GENERAL MORELL: Tell me what is passing, quickly. If the enemy is coming, hold to him, and I will come up. Post your men to repulse him.

F. J. PORTER, *Major-General*.

GENERAL PORTER: Colonel Marshall reports a movement in front of his left. I think we had better retire. No infantry in sight, and I am continuing the movement. Stay where you are, to aid me if necessary.

MORELL.

GENERAL MORELL: I have all within reach of you. I wish you to give the enemy a good shelling without wasting ammunition, and push at the same time a party over to see what is going on. We can not retire while McDowell holds his own.

F. J. P.

AUGUST 29.

GENERAL MORELL: I wish you to push up two regiments supported by two others, preceded by skirmishers, the regiments at intervals of two hundred yards, and attack the section of artillery opposed to you. The battle works well on our right, and the enemy are said to be retiring up the pike. Give the enemy a good shelling as our troops advance.

F. J. PORTER, *Major-General Commanding*.

GENERAL MORELL: Put your men in position to remain during the night, and have out your pickets. Put them so that they will be in a position to resist anything. I am about a mile from you. McDowell says all goes well, and we are getting the best of the fight. I wish you would send me a dozen men from the cavalry. Keep me informed. Troops are passing up to Gainesville, pushing the enemy. Ricketts has gone; also King.

F. J. PORTER, *Major-General*.

WARREN'S NOTE TO GENERAL SYKES.

5 h. 45 m. P. M., Aug. 29, '62.

GENERAL SYKES: I received an order from Mr. Cutting to advance and support Morell. I faced about and did so. I soon met Griffin's brigade, withdrawing, by order of General Morell, who was not pushed out, but returning. I faced about and marched back two hundred yards or so. I met then an orderly from General Porter to General Morell, saying he must push on and press the enemy; that all was going well for us, and he was returning. Griffin then faced about; and I am following him to support General Morell, as ordered. None of the batteries are closed up to me.

Respectfully,

G. K. WARREN.

It was denied that General Sturgis was under Porter's orders; here is the evidence:

GEN. STURGIS: Please put your command in motion to follow Sykes as soon as he starts. If you know of any other troops who are to join me, I wish you to send them notice to follow you.

We march as soon as we can see.

F. J. PORTER, *Major-General*.

PORTER'S DISPATCHES TO M'DOWELL AND KING.

GENERAL MCDOWELL OR KING: I have been wandering over the woods, and failed to get a communication to you. Tell how matters go with you. The enemy is in strong force in front of me, and I wish to know your design for to-night. If

left to me, I shall have to retire for food and water, which I cannot get here. How goes the battle? It seems to go to our rear. The enemy are getting to our left.

F. J. PORTER, *Major-General Volunteers.*

GENERAL McDOWELL: Failed in getting Morell over to you. After wandering about the woods for a time I withdrew him, and while doing so artillery opened upon us. The fire of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messages have run into the enemy. They have gathered artillery and cavalry and infantry and the advancing masses of dust show the enemy coming in force. I am now going to the head of the column to see what is passing and how affairs are going, and I will communicate with you. Had you not better send your train back?

F. J. PORTER, *Major-General.*

AUGUST 29, 1862.

GENERALS McDOWELL AND KING: I found it impossible to communicate by crossing the woods to Groveton. The enemy are in strong force on this road, and as they appear to have driven our forces back, the firing of the enemy having advanced and ours retired, *I have determined to withdraw to Manassas.* I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery and cavalry and infantry, and the advancing masses of dust show the enemy coming in force.

I am now going to the head of the column to see what is passing and how affairs are going. Had you not better send your train back? I will communicate with you.

F. J. PORTER, *Major-General.*

I desire to call attention to the fact that none of the communications to Morell, McDowell, and King, or any other officer, by Porter, has the time of sending or receiving the same marked on that day—a very unusual and unmilitary proceeding.

#### DISPATCH OF GENERAL BUFORD TO GENERAL RICKETTS.

HEADQUARTERS CAVALRY BRIGADE, 9.30 A. M.

Seventeen regiments, one battery and five hundred cavalry passed through Gainesville three-quarters of an hour ago on the Centreville road. I think this division should join our forces now engaged at once. Please forward this.

JOHN BUFORD, *Brigadier-General.*

General RICKETTS.

POPE'S ORDERS TO PORTER.

Orders from General Pope to Porter first notifying him of the necessity of prompt action

HEADQUARTERS ARMY OF VIRGINIA.

Warrenton Junction, August 26, 1862—7 o'clock p. m.

GENERAL: Please move forward with Sykes's division to-morrow morning through Fayetteville to a point two and a half miles of the town of Warrenton, and take position where you can easily move to the front, with your right resting on the railroad. Call up Morell to join you as speedily as possible, leaving only small cavalry forces to watch the fords. If there are any troops below, coming up, they should come up rapidly, leaving only small rear guard at Rappahannock Station. You will find General Banks at Fayetteville. I append below the position of our forces, as also those of the enemy. I do not see how a general engagement can be postponed more than a day or two.

McDowell, with his own corps, Sigel's, and three brigades of Reynolds's men, being about 34,000, are at and immediately in front of Warrenton. Reno joins him on his right and rear, with 8,000 men, at an early hour to-morrow; Cox, with 7,000 men, will move forward to join him in the afternoon of to-morrow; Banks, with 6,000 men, is at Fayetteville; Sturgis, about 8,000 strong, will move forward by day after to-morrow; Franklin, I hope, with his corps, will, by day after to-morrow night, occupy the point where the Manassas Gap Railroad intersects the turnpike from Warrenton to Washington City; Heintzelman's corps will be held in reserve here at Warrenton Junction until it is ascertained that the enemy has begun to cross Hedgeman's River. You will understand how necessary it is for our troops to be in position as soon as possible. The enemy's line extends from a point a little east of Warrenton Sulphur Springs around to a point a few miles north of the turnpike from Sperryville to Warrenton, with his front presented to the east, and his trains thrown around well behind him in the direction of Little Washington and Sperryville. Make your men cook three days'

*rations and keep at least two days' cooked rations constantly on hand. Hurry up Morell as rapidly as possible, as also the troops coming up in his rear. The enemy has a strong column still further to his left toward Manassas Gap Railroad, in the direction of Salem.*

JOHN POPE, *Major-General Commanding.*  
Major-General FITZ-JOHN PORTER,  
*Commanding Fifth Army Corps.*

This order of Pope on the 26th shows that Porter was thus early notified of what was expected.

HEADQUARTERS ARMY OF VIRGINIA,  
*Warrenton Junction, August 27, 1862—4 o'clock a. m.*

GENERAL: Your note of 11 p. m. yesterday is received. Major-General Pope directs me to say that under the circumstances stated by you in relation to your command he desires you to march *direct to this place* as rapidly as possible. The troops behind you at Barnett's Ford will be directed by you to march at once direct to this place or Weaverville, without going to Rappahannock Station. Forage is hard to get, and you must graze your animals as far as you can do so. The enemy's cavalry has intercepted *our railway communication near Manassas*, and he seems to be advancing with a heavy force along the Manassas Gap Railroad. We will probably move to attack him to-morrow in the neighborhood of Gainesville, which may *bring our line further back toward Washington*. Of this I will endeavor to notify you in time. *You should get here as early in the day to-morrow as possible*, in order to render assistance should it be needed.

I am, general, very respectfully, your obedient servant.

GEO. D. RUGGLES,  
*Colonel and Chief of Staff.*

Major-General F. J. PORTER,  
*Commanding Fifth Army Corps.*

GENERAL POPE'S ORDERS TO FITZ-JOHN PORTER, WHICH WERE WILLFULLY DISOBEYED.

First his 7.30 p. m. order, August 27, 1862, peremptorily ordering him to start at 1 o'clock that night, so that he might be able to reach Bristol Station at an extremely early hour the next morning:

HEADQUARTERS ARMY OF VIRGINIA,  
*Bristol Station, August 27, 1862—6.30 p. m.*

GENERAL: The major-general commanding directs that you start at *one o'clock* to-night, and come forward with your whole corps, or such part of it as is with you, *so as to be here by daylight to-morrow morning*. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas, and clear the country between that place and Gainesville, where McDowell is. If Merrill has not joined you, send word to him to push forward immediately; also, send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope,

GEORGE D. RUGGLES, *Colonel and Chief of Staff.*

P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery, as a guard, till he comes up, with instructions to follow you immediately. If Banks is not at the Junction, instruct Colonel Cleary to run the trains back to this side of Cedar Run, and post a regiment and a section of artillery with it.

By command of Major-General Pope,

GEORGE D. RUGGLES, *Colonel and Chief of Staff.*

Major-General F. J. PORTER, *Warrenton Junction.*

Second, to be expeditions:

HEADQUARTERS ARMY OF VIRGINIA, *Centreville, Aug. 29, 1862.*

*Push forward* with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditions, or we will lose much.

JOHN POPE, *Major-General Commanding.*

Third, the joint order to Generals McDowell and Porter :

HEADQUARTERS ARMY OF VIRGINIA, *Centreville, August 29, 1862.*

GENERALS McDOWELL AND PORTER: You will please move forward with your joint commands towards Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own, the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere, in any way, with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall on the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was, until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to join the other division of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order, it will not be carried out. One thing must be held in view—that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here to-morrow night or the next day. My own headquarters will, for the present, be with Heintzelman's corps or at this place.

JOHN POPE, *Major-General, Commanding.*

Fourth, the 4.30 order directing him to attack the enemy at once in flank and rear:

HEADQUARTERS IN THE FIELD.

*August 29, 1862—4.30 p. m.*

MAJOR-GENERAL PORTER: Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds.

The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE, *Major-General, Commanding.*

POPE'S ORDER TO PORTER TO MARCH AND REPORT IN PERSON.

General Pope finding that it was impossible to have Porter obey any of his orders, finally issued the following order directing him to march on the battle-field and report to him, with his command, in person, also to note the time of the receipt of the order, for the reason that Porter had avoided noting the time of the sending or receiving of any orders or dispatches during that day:

HEADQUARTERS ARMY OF VIRGINIA.

*In the field near Bull Run, August 29, 1862—8.50 p. m.*

GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day, and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

JOHN POPE, *Major-General, Commanding.*

Major-General F. J. PORTER.

LETTERS OF CRITICISM ON THE COMMANDING GENERAL BY FIZ-JOHN PORTER.

Showing his animus towards Pope, and an index in guiding to a conclusion as to his determination not to support or advance Pope's interests as a commanding officer.

The letters read as follows :

FROM ADVANCE, 11 45 P. M., *August 26, Received August 27, 1862.*

Major-General BURNSIDE :

Have just received orders from General Pope to move Sykes to-morrow to within two miles of Warrenton, and to call up Morell to same point, leaving the fords guarded by cavalry. He says the troops in rear should be brought up as rapidly as

possible, leaving only a small rear guard at Rappahannock Station, and that he cannot see how a general engagement can be put off more than a day or two. I shall move up as ordered, but the want of grain and the necessity of receiving a supply of subsistence will cause some delay. Please hasten back the wagon sent down, and inform McClellan that I may know I am doing right. Banks is at Fayetteville; McDowell, Sigel, and Ricketts at and immediately in front of Warrenton; Reno on his right; Cox joins to-morrow, Sturgis next day, and Franklin is expected. So says General Pope.

F. J. PORTER, Major-General.

WARRENTON, 27TH. P. M.

TO GENERAL BURNSIDE:

Morell left his medicine, ammunition, and baggage at Kelly's Ford. Can you have it hauled to Fredericksburgh and stored? His wagons were all sent to you for grain and ammunition. I have sent back to you every man of the First and Sixth New York Cavalry, except what has been sent to Gainesville. I will get them to you after a while. Everything here is at sixes and sevens, and I find I am to take care of myself in every respect. *Our line of communication has taken care of itself, in compliance with orders.* The army has not three days' provisions. *The enemy captured all Pope's and other clothing; and from McDowell the same, including liquors.* No guards accompanying the trains, and small ones guard bridges. The wagons are rolling on, and I shall be here to-morrow. Good night!

F. J. PORTER, Major-General.

WARRENTON JUNCTION, August 27, 1862—4 p. m.

General BURNSIDE, Falmouth:

I send you the last order from General Pope, which indicates the future as well as the present. Wagons are rolling along rapidly to the rear, as if a mighty power was propelling them. I see no cause for alarm, though I think this order may cause it. McDowell moves on Gainesville, where Sigel now is. The latter got to Buckland bridge in time to put out the fire and kick the enemy, who is pursuing his route unmolested to the Shenandoah, or Loudoun County. The forces are Longstreet's, A. P. Hill's, Jackson's, Whiting's, Ewell's, and Anderson's late Huger's divisions. Longstreet is said by a deserter to be very strong. They have much artillery and long wagon trains. The raid on the railroad was near Cedar Run, and made by a regiment of infantry, two squadrons of cavalry, and a section of artillery. The place was guarded by nearly three regiments of infantry and some cavalry. They routed the guard, captured a train and many men, destroyed the bridge, and retired leisurely down the road toward Manassas. It can be easily repaired. No troops are coming up, except new troops, that I can hear of. Sturgis is here with two regiments. Four were cut off by the raid. The positions of the troops are given in the order. No enemy in our original front. A letter of General Lee, seized when Stuart's assistant adjutant-general was taken, directs Stuart to leave a squadron only to watch in front of Hanover Junction, &c. Everything has moved up north. I find a vast difference between these troops and ours. But I suppose they were new, as they to-day burnt their clothes, &c., when there was not the least cause. I hear that they are much disorganized, and needed some good troops to give them heart, and, I think, head. *We are working now to get behind Bull Run, and, I presume, will be there in a few days, if strategy don't use us up.* The strategy is magnificent, and tactics in the inverse proportion. *I would like some of my ambulances. I would like, also, to be ordered to return to Fredericksburg and to push toward Hanover, or, with a large force, to strike at Orange Court-House. I wish Sumner was at Washington, and up near the Monocacy with good batteries. I do not doubt the enemy have large amounts of supplies provided for them, and I believe they have a contempt for this Army of Virginia. I wish myself away from it, with all our old Army of the Potomac, and so do our companions.* I was informed to-day by the best authority that in opposition to General Pope's views, this army was pushed out to save the Army of the Potomac—an army that could take the best care of itself. Pope says he long since wanted to go behind the Occoquan. I am in great need of ambulances, and the officers need medicines, which, for want of transportation, were left behind. I hear many of the sick of my corps are in houses on the road very sick. I think there is no fear of the enemy crossing the Rappahannock. The cavalry are all in the advance of the rebel army. At Kelly's and Barnett's fords much property was left, in consequence of the wagons going down for grain, &c. If you can push up the grain to-night please do so, direct to this place. There is no grain here to-day, or any where, and this army is wretchedly supplied in that line. Pope says he never could get enough. Most of this is private.

F. J. PORTER.

But if you can get me away please do so. Make what use of this you choose, so it does good.

F. J. P.

BRISTOW, 9.30 A. M., August 28, 1862.

My command will soon be up, and will at once go into position. Hooker drove Ewell some three miles, and Pope says McDowell intercepted Longstreet, so that without a long detour he cannot join Ewell, Jackson, and A. P. Hill, who are, or supposed to be, at Manassas. Ewell's train, he says, took the road to Gainesville, where McDowell is coming from. We shall be to-day as follows: I on the right of railroad, Heintzelman on left, then Reno, then McDowell. He hopes to get Ewell, and push to Manassas to-day.

I hope all goes well near Washington. I think there need be no cause of fear for us. I feel as if on my own way now, and thus far have kept my command and trains well up. More supplies than I supposed on hand have been brought, but none to spare, and we must make connection soon. I hope for the best, and my lucky star is always up about my birthday, the 31st, and hope Mc's is up also. You will hear of us soon by way of Alexandria.

Ever yours,  
General BURNSIDE, *Falmouth*.

F. J. P.

FALMOUTH, August 29, 1862—1 p. m.

To Major-General H. W. HALLECK, *General-in-Chief*, and  
Major-General G. B. McCLELLAN, *Alexandria*:

The following just received from Porter, four miles from Manassas, the 28th, two p. m.:

"All that talk about bagging Jackson, &c., was bosh. That enormous gap—Manassas—was left open, and the enemy jumped through; and the story of McDowell having cut off Longstreet had no good foundation. The enemy have destroyed all our bridges, burnt trains, &c., and made this army rush back to look at its line of communication, and find us bare of subsistence. We are far from Alexandria.—

Considering the importance of transportation:—

your supply train of forty wagons is here, but I can't find them.

There is a report that Jackson is at Centreville, which you can believe or not. The enemy destroyed an immense amount of property at Manassas—cars and supplies. I expect the next thing will be a raid on our rear by way of Warrenton by Longstreet, who was cut off.

"F. J. PORTER, *Major-General*."

This is the latest news.

A. E. BURNSIDE, *Major-General*.

FALMOUTH, Virginia, 5½ p. m., 29th.

General H. W. HALLECK, *General-in-Chief*:

The following message has just been received:

"BRISTOW, 6 a. m., 29th.

"GENERAL BURNSIDE: Shall be off in half an hour. The messenger who brought this says the enemy had been at Centreville, and pickets were found there last night.

"Sigel had severe fight last night; took many prisoners. Banks is at Warrenton Junction; McDowell near Gainesville. Heintzelman and Reno at Centreville, where they marched yesterday. Pope went to Centreville with the last two as a body guard, at the time not knowing where was the enemy, and where Sigel was fighting—within eight miles of him and in sight.

"Comment is unnecessary.

"The enormous trains are still rolling on. Many arrivals not having been watched for fifty hours, I shall be out of provisions to-morrow night. Your train of forty wagons cannot be found. I hope 'Mc's' at work, and we will soon get ordered out of this. It would seem, from proper statement of the enemy, that he was wandering around loose, but I expect they know what they are doing, which is more than any one here or anywhere knows.

"F. J. P."

A. E. BURNSIDE, *Major-General*.



## APPENDIX,

Mr. LOGAN. Mr. President, before proceeding to the argument of this case, I ask permission of the Senate to have published in the RECORD, following the article of General U. S. Grant extracted from the North American Review, presented by the Senator from New Jersey [Mr. SEWELL], a letter which I wrote in reply to that article. I do not desire to have it read, but ask to have it published in reply, saving me from taking up so much of the time of the Senate.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that will be done.

The letter is as follows:

WASHINGTON, D. C., November 23.

To the Editor of the Chicago Tribune:

You call my attention to the article in the December number of the North American Review, written by General U. S. Grant, in justification of the conduct of Fitz-John Porter in disobeying the orders of his commanding general on the 27th, 28th, and 29th of August, 1862.

I dislike very much to enter into any discussion with General Grant on matters pertaining to military movements, as I must do so, knowing I am contesting ground with a man of great military renown. But, inasmuch as General Grant has so recently changed his opinion on this subject, after having the case before him when General of the Army, and during eight years while President of the United States, based upon Porter's own statement of the case, and after careful examination of the case concluded that he was guilty, and having more than once impressed his then opinion upon my mind, which very strongly confirmed me in my own conclusions of Porter's guilt, therefore I take it that the General's generosity will be sufficient to pardon me if I shall now differ with him and trust my own judgment in the case instead of accepting his present conclusions—especially when I feel confident that I can clearly demonstrate that his present opinions are based upon a misapprehension of the facts as they did exist and were understood by those understanding them at the time.

But that there may be a proper understanding of the question in dispute, it may be necessary to understand something in reference to the positions occupied by the opposing forces.

General Pope, being in command of the Army of Virginia, had withdrawn from his former line of operations, and had begun his movements against Jackson on the evening of the day on which he sent the first order to Fitz-John Porter.

General Hooker's division of Heintzelman's corps having moved along the railroad from Warrenton Junction toward Manassas Junction, meeting Ewell's division of Jackson's force at Bristoe Station in the evening, a sharp engagement ensued, in which Hooker drove Ewell in the direction of Manassas Junction.

## POPE'S ORDER TO PORTER.

General Pope's headquarters were with this division. In his rear, at Warrenton Junction, was Porter's command (the Fifth Army Corps). Anticipating an attack from the confederate forces on the morning of the 28th, Hooker's command being about out of ammunition at the time, and in order that he might be prepared for this attack, and also that he might have his troops up and well in hand—inasmuch as he desired to send a portion of his forces in the direction of Gainesville and on to Thoroughfare Gap, so as to impede the advance of Longstreet, who was then marching rapidly to join Jackson—Pope issued the following imperative order to General Porter at 6:30 p. m., and sent the same by Captain Drake De Kay, one of his (Pope's) staff officers.

The order is in the following language:

## HEADQUARTERS ARMY OF VIRGINIA, BRISTOE STATION,

August 27, 1862—6:30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night, and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with

all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope.

GEORGE D. RUGGLES, *Colonel and Chief of Staff.*

Major-General F. J. PORTER, *Warrenton Junction.*

P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the Junction, instruct Colonel Cleary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

By command of Major-General Pope.

GEORGE D. RUGGLES, *Colonel and Chief of Staff.*

When this order was delivered Captain Drake De Kay was instructed to remain with Porter and direct him on the road to Bristow Station, a distance of about nine miles.

This order was delivered to General Porter (as Captain Drake De Kay testifies) at about half after nine p. m.

General Porter decided not to move at 1 o'clock, as directed, but at 3 o'clock on the morning of the 28th, but in fact did not move from his tent, as the evidence shows, or move his troop until after sunrise on the morning of the 28th.

General Grant justifies Porter in the disobedience of this order, because, he says, Porter's troops had been marching that day, were fatigued, the night was dark, the road was blockaded, and that he showed his order to the leading generals, and because they said his troops were tired he did not obey the order.

General Grant further says:

"He [meaning Porter] was entirely justified in exercising his own judgment in the matter, because the order shows that he was not to take part in any battle when he arrived there, but was to pursue a fleeing enemy. He did not leave the commanding general in ignorance of his proposed delay, nor of the reasons for it, but at once sent a request that the general commanding should send back cavalry and clear the road near him of incumbrances, so that the march might be unobstructed."

#### THE CONDITION OF THE ROAD.

General Grant also says that "a literal obedience to the order of the 27th of August was a physical impossibility. It is further shown that General Porter was desirous of obeying it literally so far as it was practical, but was prevailed upon by his leading generals not to do so."

General Grant also says: "If the night had been clear, and the road an open one, there would not have been so much justification;" and, continuing, he describes the road as being in a "terrible condition—almost impassable."

I am very much surprised at this statement of General Grant, inasmuch as he goes far beyond the evidence in the case to justify the disobedience of said order by Porter.

The evidence in the case shows that a great portion of Porter's troops had been in camp at Warrenton Junction from 10 o'clock in the morning, where they had been resting during the whole day. The evidence does not show that the generals could not obey the order, but that they only complained that the troops were tired and fatigued. This General Grant knows, as a military man, is an excuse common in any army, that troops are fatigued when they are ordered to march either in the night or at any other time when they desire to rest. And he knows further that it is not an excuse justified by any one in time of necessity when an order can be obeyed.

General Grant says that Porter wanted to obey the order because he sent two men to General Pope, a distance of nine miles, to ask Pope to clear the road for him.

I would like to ask General Grant if during his command of armies he had issued an order to one of his commanding generals to move his troops, and that commanding general had sent back word to General Grant to "clear the road for him," so that he might move, what kind of an answer he would have given that general?

The troops that Pope was with had been fighting that day. Does General Grant pretend to say that they were in better condition to "clear the road" than the troops of Porter that were to march on the road? Did he ever know an instance of a commanding general of a corps asking the commanding general of the Army "to clear the wagons out of the road," so that he himself could march, when he had the very troops marching along the road whose duty it was to perform that office for themselves?

General Grant's statement that "the road was a bad road, in bad condition,

almost impassable, outside of being full of wagons," is not supported by the testimony. The evidence of those who passed over the road is positive to the effect that the road was in good condition; that there was a railroad open from Warrenton Junction to Bristoe Station on which infantry troops could have marched; that there was a road on either side of this railroad, plain, open, and passable.

The evidence further shows that when General Pope sent this order to General Porter he (Pope) at the same time rode up to General Myers (the chief quartermaster having charge of the trains) and notified him that Porter would march on that road that night, and that he must clear it of wagons and all impediments so that there would be no obstruction to the march.

#### NO OBSTRUCTIONS.

The evidence further shows that at the time the order was delivered to General Porter the wagons were going into park off of the road; that they did go into park, and that from the time (1 o'clock) in the morning that he was ordered to march there was no obstruction whatever on the road; and that the road was kept clear until after daylight on the morning of the 28th, at which time General Porter's orders required him to be at Bristoe Station; but that the wagons left the park on the supposition that the troops had passed, and they did again enter the road after daylight on the 28th, and that the only obstruction that there was to his march was the road being obstructed after the time he was to have been at Bristoe Station; that he did not move his command the next morning until after these parked trains had commenced pulling out into the road to move to Bristoe Station.

As regards the darkness of the night, if General Grant has read the evidence carefully he will find that other troops moved that same night—in fact were moving all night—not only troops belonging to the Union army under Pope, but that the whole confederate army under Jackson, composed of 32,000 men, moved on that night, with all their wagons and baggage, from Centreville to the position which they held on the 29th, the day of the battle.

I would like General Grant to answer the question, how it was that the whole confederate army could move a distance equal, if not greater, than that which Porter was ordered to move, and take their positions during that night to defend themselves against the assault of Pope's army, and that Porter, who was expected to take part in that battle, could not move the distance of nine miles along the road where the wagons had been removed or parked out of his way?

General Grant well knows that marches have to be made under great difficulty where the commanding officer is preparing for action, either night or day, rain or shine; and I know of many instances that I could mention where troops under General Grant, especially in the Western army, moved through storm, rain, and in the night, whether light or dark; and I could give an instance where troops were moved under his command where they had to make the road as they went—making bridges also; and I never heard of an officer that was ordered to move under that direction having to send to the General of the Army for "cavalry to clear the road of wagons for infantry to march on."

#### NO ROOM FOR DISCRETION.

General Grant says that Porter could exercise his discretion about obeying his order strictly for the reason that he was not ordered there to fight but merely to "pursue the enemy."

It will not do to say this, for the very order itself notifies Porter that he must be there at daylight, for the reason that he wanted to drive Jackson's army out of that part of the country.

Does any one suspect or believe that an army of 32,000 could be driven out of that part of the country without fighting? But what is the difference? Porter could neither fight nor harm the enemy unless he got there to do it.

Not only so, but it was not an order in which the general had a right to exercise his discretion; it was an imperative order to move at "1 o'clock in the morning, and to be at Bristoe Station by daylight."

There could be no mis-understanding of the order, and under the circumstances there was no excuse for not obeying it. The facts are, there was no attempt made to obey it, and the evidence through the whole case shows that Porter did not intend to obey that or any other order strictly, but intended to obey only in such a way as to impede the progress of Pope.

Porter did not arrive at Bristoe Station until after 10 o'clock the next day.

General Grant says: "Under the circumstances his order [meaning Pope's] requiring of the troops an impossibility, that was quite evident to Porter."

In what is this statement justified? Certainly not by the evidence; certainly not by any knowledge that General Grant had of the ground over which Porter was to march any more than any one else who reads the evidence; certainly not on account of the road; not on account of its being obstructed; not on account of the condition of the troops, as some of them had been resting from 10 o'clock that day until that time; certainly not on account of the distance; and on no ac-

count whatever as disclosed by the evidence in the case, except an indisposition on the part of General Porter to support General Pope in fighting that battle.

LETTERS SHOWING PORTER'S HATRED OF POPE.

For the purpose of showing that which was working in Fitz-John Porter's mind, as well as showing his feeling of contempt for Pope and McDowell, I will here give two letters to show his animus at the time and to show the unkind terms in which he expressed his distrust of the capacity of his superior commander, and in order to show that he had no intention of faithfully serving under Pope.

In the first letter he speaks of the enemy having captured all of Pope's clothing, and McDowell's also, including McDowell's liquors, when it was a well-known fact that the enemy did not capture Pope's or McDowell's clothing, nor could they capture McDowell's whisky, as it was equally well known in the Army and by all of his acquaintances that he never used liquor in his life of any kind. This letter is as follows:

To General BURNSIDE:

WARENTON, 27th—p. m.

Morell left his medicine, ammunition, and baggage at Kelly's Ford. Can you have it hauled to Fredericksburgh and stored? His wagons were all sent to you for grain and ammunition. I have sent back to you every man of the First and Sixth New York Cavalry except what has been sent to Gainesville. I will get them to you after a while. Everything here is at sixes and sevens, and I find I am to take care of myself in every respect. Our line of communication has taken care of itself, in compliance with orders. The army has not three days' provisions. The enemy captured all Pope's and other clothing, and from McDowell the same, including liquors. No guards accompanying the trains, and small ones guard bridges. The wagons are rolling on, and I shall be here to-morrow. Good-night.

F. J. PORTER, *Major-General*.

Following this was a letter to General Burnside, at Falmouth, Virginia, at 4 o'clock p. m.:

WARRENTON JUNCTION, August 27, 1862—4 p. m.

General BURNSIDE, *Falmouth*:

I send you the last order from General Pope, which indicates the future as well as the present. Wagons are rolling along rapidly to the rear, as if a mighty power was propelling them. I see no cause for alarm, though I think this order may cause it. McDowell moves on Gainesville, where Sigel now is. The latter got to Buckland Bridge in time to put out the fire and kick the enemy, who is pursuing his route unmolested to the Shenandoah, or Loudoun County. The forces are Longstreet's, A. P. Hill's, Jackson's, Whiting's, Ewell's, and Anderson's (late Huger's) divisions. Longstreet is said by a deserter to be very strong. They have much artillery and long wagon trains.

The raid on the railroad was near Cedar Run, and made by a regiment of infantry, two squadrons of cavalry, and a section of artillery. The place was guarded by nearly three regiments of infantry and some cavalry. They routed the guard, captured a train and many men, destroyed the bridge, and retired leisurely down the road toward Manassas. It can be easily repaired. No troops are coming up except new troops that I can hear of. Sturgis is here with two regiments. Four went out by the raid. The positions of the troops are given in the order. No enemy in our original front. A letter of General Lee, seized when Stuart's assistant adjutant-general was taken, directs Stuart to leave a squadron only to watch in front of Hanover Junction, &c. Everything has moved up north. I find a vast difference between these troops and ours. But I suppose they were new, as they to-day burnt their clothes, &c., when there was not the least cause.

I hear that they are much disorganized and needed some good troops to give them heart, and, I think, head. We are working now to get behind Bull Run, and I presume will be there in a few days if strategy don't use us up. The strategy is magnificent, and tactics in the inverse proportion. I would like some of my ambulances. I would like also to be ordered to return to Fredericksburgh and to push toward Hanover, or, with a large force, to strike at Orange Court-House. I wish Sumner was at Washington, and up near the Monocacy with good batteries. I do not doubt the enemy have large amounts of supplies provided for them, and I believe they have a contempt for this Army of Virginia. I wish myself away from it with all our old Army of the Potomac, and so do our companions.

I was informed to-day by the best authority that, in opposition to General Pope's views, this army was pushed out to save the Army of the Potomac, an army that could take the best care of itself. Pope says he long since wanted to go behind the Occoquan. I am in great need of ambulances, and the officers

need medicines, which, for want of transportation, were left behind. I hear many of the sick of my corps are in houses on the road very sick. I think there is no fear of the enemy crossing the Rappahannock. The cavalry are all in the advance of the rebel army. At Kelly's and Barnett's Fords much property was left in consequence of the wagons going down for grain, &c. If you can push up the grain to-night please do so, direct to this place. There is no grain here to-day, or anywhere, and this army is wretchedly supplied in that line. Pope says he never could get enough. Most of this is private.

F. J. PORTER.

But if you can get me away, please do so. Make what use of this you choose, so it does good.

F. J. P.

This was written on the evening that Porter received the order to support General Pope, in which he gives the most discouraging account possible of Pope's movements, for no other purpose, in my judgment, than to demoralize the army and bring Pope into disrepute among the officers.

He says "the strategy is magnificent and tactics in the inverse proportion," showing his utter contempt for the ability of his commanding officers.

In the conclusion of his letter he begs "please." Do what? Please get me out of this. Out of what?

He had not yet received his orders to move or to fight, and what does he want to get out of? Out of the Army of Virginia? I suppose out from the command of General Pope, and to bring about such influence as would put Pope under the ban of his officers, so that he might be relieved and probably McClellan put back in command. This letter shows that he started in after receiving his very first order from Pope, with criticisms of the army and of the general commanding, his movements, his positions, and of everything in connection with what he had to do in commanding the same.

He begged to be taken away, saying to Burnside to do what he wished with the letter, so that it would do good.

What did he mean by that unless he was in a conspiracy against Pope and determined not only to disobey him but to assist in destroying him? No officer living ever had the confidence or affection of General Grant, in my judgment, to such an extent that if he had written such a letter about him (Grant) criticising him and his movements, and showing a determination not to support him, could have staid in the army of General Grant fifteen minutes without being arrested and punished. Even the board that tried to furnish reasons for acquitting Porter could not help but condemn him for his criticisms of his commanding officer. Yet General Grant speaks of him suffering through prejudice, without being guilty of any act of insubordination. How he can do this is a mystery and a wonder to me. It is a well-known fact recorded both in ancient and modern history that many of the greatest battles have been fought after night marches, and if General Grant will take the pains to examine the history of wars down to the very present day he will find this to be true.

#### MARCHES IN THE NIGHT.

General Grant doubtless remembers, from his reading, that the Athenian general, Demosthenes, led the Athenians against the Syracusians in the night-time, and was successful after having been defeated in the day-time. He will find, too, that Alexander the Great, prior to the battle of Arbela, made his long march at night, starting at dark and arriving on the high ground overlooking the camp of Darius at daylight. He will also find in the battle of Metaurus, where Nero, Livius, and Porcius succeeded in taking Hasdrubal, the Carthaginian, marches made by these Romans were successfully made after night. Also his reading will tell him that at the battle of Saratoga Colonel Brooks after night turned Burgoyne's right, and Burgoyne had to escape by withdrawing his whole force. He will also find that the assault on and the capture of Stony Point on the 15th of July, 1779, was made at 12 o'clock at night by Anthony Wayne.

He will find also that George Washington crossed the Delaware in small boats on the night of the 25th of December, 1776, when the ice was gorging, floating, and crushing everywhere, and on the 26th the surrender of Colonel Rolf was made.

Would General Grant pretend to compare the march that Porter was required to make in the night-time with the crossing of the Delaware when the stream was gorged with ice? He will see also that on the night of the 29th of August, 1776, Washington withdrew from the front of the enemy and crossed from Long Island to New York over a broad river.

General Grant well remembers the passing of Vicksburgh on a dark, foggy night in small steamers, old and unsafe, under the rain of shot and shell, as if pouring down from the heavens. He will remember the march made the night before the battle of Thompson's Hill, where many troops were moved in the darkness of night. I myself marched my division from "Hard Times Landing" to Bruinsburgh, a distance of eight miles, in the night-time—crossing the river in

a boat at daylight—marched to the field of battle, and was on the field, a distance of twelve miles, by 12 o'clock that day.

General Grant will remember that General McPherson's corps, after marching the greater part of the day to the sound of General Sherman's guns at the battle of Jackson, moved that night at 1 o'clock under orders from General Grant, marching twenty-two miles over a muddy road, and by 12 the next day was formed in line of battle and confronting the enemy.

These things, however, were done under orders from General Grant, whose orders were always obeyed.

Suppose his officers had taken it upon themselves to determine the manner of obeying imperative commands, how long does any one suppose they would have kept their commands? And suppose General Grant's justification of the disobedience of orders, as he has stated it now in defense of Porter, had been published by him (Grant) to his armies and had been so understood by his generals, does any one suppose by such discipline he would ever have made the success he did and become the hero he is? No, sir. His officers did not stop to write letters of criticism against him. They obeyed his orders and fought the enemy with a good will. If they failed to obey his orders they failed to retain their commands longer under him.

The General's present justification of the disobedience of a peremptory order if followed out by generals would make any army a mob and the commanding general a laughing stock. It would authorize every officer, down to the lower officers in rank, to determine how and when they would act under orders.

George Washington, who is not yet forgotten in this country as a leader of an army, issued the following order to his army, and until now I have never heard its correctness disputed by any military man:

"It is not for every officer to know the principles upon which every order is issued, and to judge how they may or may not be dispensed with or suspended, but their duty to carry it into execution with the utmost punctuality and exactness. They are to consider that military movements are like the working of a clock, and they will go quickly, readily, and easier if every officer does his duty, but without it be as easily disordered, because neglect from any one, like the stopping of a wheel, disorders the whole. The General therefore expects that every officer will duly consider the importance of the observation. Their own reputation and the duty they owe to their country claims it of them and earnestly calls upon them to do it."

This order was issued at General Washington's headquarters on the 10th of October, 1777, at Taumensing.

This much I have said, based upon undisputed testimony, in answer to General Grant's justification of Porter's disobedience of Pope's order of 6.30 p. m., August 27, 1862.

#### THE 1.30 P. M. ORDER.

I now desire to examine the position of General Grant in his justification of Porter in the disobedience of what is known as the "4.30 p. m. order of the 29th," delivered to Porter by Captain Douglas Pope. But in order to get a better understanding of this part of the case it will be necessary to take up the orders issued to Porter prior to the "1.30" order. In doing so I propose to show that he not only disobeyed the "1.30" order, but all that preceded it.

The situation was about as follows:

Jackson, with the confederate army, was behind the Independent and Manassas Gap Railroad cut, which contemplated road was to connect with the old Manassas Gap Railroad at Gainesville, his left at Sudley Springs, his line following the railroad cut. Longstreet was marching down through Thoroughfare Gap to Gainesville to the support of Jackson.

Pope was moving his force to the front and left of Jackson; his right near Sudley Springs; his left running up the Warrenton, Gainesville and Centreville pike, extending his left beyond the right flank of Jackson, on and up the pike beyond Groveton. Pope issued an order at 3 o'clock a. m. for Porter to move at daylight to Centreville. This order being a verbal order, Porter did not obey it, but instead of moving he was in his camp at 6 o'clock a. m., one hour after sunrise, writing another letter to General Burnside criticising the movements of the general commanding.

General Pope in the mean time, finding that Longstreet was moving to the support of Jackson and that Porter was still not moving, changed his order and put it in writing to Porter to avoid any excuse on Porter's part. The order was in the following language:

HEADQUARTERS ARMY OF VIRGINIA,  
Centreville, August 29, 1862.

To Major-General FITZ-JOHN PORTER:

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much.

JOHN POPE, Major-General, Commanding.

This order was handed to General Porter about 9 o'clock. His troops were then ready to move.

Let me ask, how did he obey this order? He states in his own testimony before the McDowell court of inquiry that he did not move until 10 o'clock. His line of march was on the road from Manassas Station across Dawkins's Branch to Gainesville, passing some two miles to the left of Groveton—the whole distance being eight miles. He moved slowly and leisurely and arrived at Dawkins's Branch at 12 o'clock, a distance of five miles. By this time Longstreet had his command between Gainesville and Groveton, forming his line on Pageland Lane, to the right and rear of Jackson, his right resting on the old Manassas Gap Railroad, which lay between the Warrenton and Centreville turnpike and the road upon which Porter was marching, his (Longstreet's) right not coming nearer than about one-half mile of the route over which Porter would march to Gainesville. In fact, if Porter had moved forward his command would have come square upon Longstreet's right flank.

At Dawkins' Branch General McDowell came up to the head of Porter's column, having what is known as the joint order, or an order to McDowell and Porter both to proceed to Gainesville. Here Porter had halted, and insisted that the enemy were in his immediate front. He put out a few skirmishers and stopped his whole command, stretching along the road back to Bethel Chapel, nearly three miles, and remained in that position the whole day.

At this point McDowell showed Porter the joint order to proceed to Gainesville, at the same time giving him the information sent to Pope by Buford of the passage of the fifteen regiments of infantry and five hundred cavalry through Gainesville that morning. This was the only information that Porter had on the subject of Longstreet's forces, as he stated himself.

McDowell finding that it was impossible to pass Porter's forces in the road with his command went back and took his command on a road off to the right, reaching out to the rear of Pope's forces that were then engaged in battle. He marched and arrived in time to put his forces in action and fought them until 9 o'clock that evening.

General Grant says: "And now it is known by others, as it was known by Porter at the time, that Longstreet, with some 25,000 men, was in position confronting Porter by 12 o'clock on the 29th of August, four and a half hours before the 1.30 order was written."

Upon what this statement of General Grant is based it is impossible for me to understand. In the first place, Porter did not know that Longstreet was there with 25,000 men, nor did he know, unless he made a false statement, anything about the force, except what General McDowell told him was his information received from General Buford. Nor was Longstreet confronting Porter. He was two and a half miles away from Porter; was not on the same road that Porter was, but was forming west of the old Manassas Railroad, on Pageland Lane, to the right rear of Jackson's forces, fronting the forces under Pope, on Pope's left flank, that were then attacking Jackson. His front was entirely in a different direction from Porter.

If Porter had moved forward from Dawkins's Branch he would have attacked Longstreet on his right flank and in rear, and no matter how many troops Longstreet had Porter would have had an open road behind him. Whether he could have whipped Longstreet or not is not the question. He could have forced Longstreet's whole command to change front and face about, throwing their left clear around and fronting the east instead of the north, and during that movement he would have had the opportunity of striking him heavily in the flank, and doubling his forces up, forcing him to withdraw his whole force from attacking Pope on his (Pope's) left flank. If Porter could not have been successful he had the open road behind him upon which to retreat.

General Grant says that Porter was left with 10,000 men.

If General Grant will examine the report he will find that King's division was no part of Porter's command; withdrawing it did not reduce his own force, or the force that he had reported as under his command that morning. His own report shows that he had about 13,000 men.

#### THE FORCES THAT WERE PRESENT.

I would like to put this question to General Grant: On his own showing General Grant says that Pope had 33,000 men confronting Jackson. Jackson had 22,000 men, Porter had 10,000 men, Longstreet had 25,000 men.

Longstreet's own report shows that a large portion of his force was attacking Pope's left in front of Jackson.

Add the 25,000 men of Longstreet to Jackson's 22,000, and it would make the confederate army 47,000 strong.

Adding Porter's 10,000 men (Grant's estimate) to Pope's 33,000 would have made 43,000 men contending against 47,000 men.

But take Porter's report (morning report) showing that he had 13,000 men, which with Pope's 33,000 would make 46,000 men on Pope's side and 47,000 men on the confederate side.

As a military man, would General Grant not say, no matter where the attack was made by Porter, it would have been using 46,000 men against 47,000 men instead of using 33,000 men against 47,000 men?

In all battles General Grant well knows that men are not formed in one straight line, or attacked in one place; but the attacks are made wherever the enemy is found, and wherever there is a position for attacking, and will he say that a flank attack is not the best attack that one army can make upon another unless the rear is left open to attack?

Will he contend (as he has in his article) that the intention was that Porter should attack Jackson on his left, when he was directed to attack the enemy in the flank? Does he consider Longstreet's command any less the enemy than Jackson's command?

General Longstreet in his report of that battle to General Lee states that—  
 "About 4 o'clock in the afternoon the enemy began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former position, and Hood's two brigades, supported by Evans, were quickly thrust forward to the attack. At the same time Wilcox's three brigades made a like advance, as also Hinton's brigade of Kemper's command."

Now we will see how many troops there were.

Wilcox had three brigades and Hood two brigades, Evans one, and Hinton one. Seven brigades of Longstreet's command (besides his artillery), that were formed in battery and playing furiously upon Pope's left in the direction of Groveton, and at 4 o'clock were attacking Pope's left at that very time, and they were not withdrawn, but continued the onslaught. At 5 o'clock (one hour later) General Porter received the "4.30 order" to attack the enemy's right and rear at once. At this very moment, when he was ordered to attack, the larger portion of Longstreet's forces were engaged against Pope's forces in front of Jackson, leaving but a small force back under Longstreet for the protection of the flank of the army.

Will General Grant pretend to say as a military man that this attack at that time if made by Porter would have been a failure? His troops were rested, had been lying on the road, had not been in action, had not been formed in line of battle, but listening to the sound of the guns of the enemy during the whole time.

General Grant says, speaking of Porter:

"Thus left alone, facing superior numbers advantageously posted, and ignorant of the needs of Pope, if, indeed, he had any, Porter had necessarily to bide McDowell's arrival on his right. In the mean time his duty was manifestly to engage Longstreet's attention and prevent him from moving against Pope, especially while McDowell was out of support of both Pope and Porter."

If General Grant has examined the evidence carefully he will find that Porter faced no such numbers; there was nothing in his front during the day except cavalry pickets, except at one time when Jones's brigade moved down on another road, on a higher position, where they could look at Porter, and fired a few shots from two pieces of light artillery, forcing Porter to have his men hide in the brush (which the evidence shows) to keep from being seen.

His duty, General Grant says, was to purposely engage Longstreet's attention. I presume he does not mean that Pope should have done this by not moving forward, either to attack or under pretext of attacking, not by moving all his troops up to Dawkins Branch, nor by allowing them to lie along the road, a distance of three miles, under cover of woods with arms stacked.

How did he engage his attention? Did he engage his attention so as to prevent nearly the whole force of Longstreet from attacking Pope's left flank and forcing it back?

Certainly not, if the evidence is to be believed; certainly if Longstreet reported the truth. But the truth is, instead of Porter's engaging Longstreet's attention General Stuart's report shows clearly that a few cavalymen engaged Porter's attention.

In Porter's report of that day's operations he says that the dust on the road in his front was so heavy that it was evident to his mind a large force was moving against him.

Stuart (a confederate general) says in his report (and it seems that General Grant takes the statements of confederates for their numbers, and he ought consequently to accept all they say) that he fooled Porter that day, and kept him from attacking Longstreet's right flank by having some brush tied to mules' tails and dragging them up and down the road to make dust, and this dust made by brush was the "large force" that Porter found in his front on the road leading from Manassas Station to Gainesville.

#### WHERE GENERAL GRANT IS MISTAKEN.

It seems that General Grant has fallen into the same error by insisting in his article that Longstreet's force was in front of Porter, when it was not at any time in his front or near his front or facing his front.

General Grant says that the court-martial that tried Porter made a mistake. He



says that the 4.30 order ordering Porter to attack at once contemplated the attacking of Jackson's forces on the right flank, and "that no doubt this was in the mind of the court and of the commanding general."

General Grant falls into an error here again. General Pope had the information at 9 o'clock in the morning that a force had passed through Gainesville (fifteen regiments of infantry and five hundred cavalry), and when he issued the order to Porter in the morning it was to meet the force that he knew to be coming in that direction; but whether he knew it when he issued his order in the morning is immaterial, as he had the information early that day.

After receiving this information, as a general he knew that the force coming down the road was coming to Jackson's right and rear so as to attack him on the left flank; and when he issued the 4.30 order, how can General Grant say that he (Pope) had not contemplated the attack of Longstreet on the right flank, when he claims that Porter himself knew that Longstreet was resting his right flank in his (Porter's) direction, and there was nothing in sight that he could attack except the right flank of Longstreet?

General Grant makes a plan, draws lines, and puts Jackson's 22,000 men facing Pope's 33,000 men, and places on this line Porter squarely fronting Longstreet's 25,000 men, when he must know, if he has examined the evidence, that no such positions were occupied during that day by the forces of Longstreet and Porter.

General Grant says: "As shown by this diagram, Porter was not in a position to attack the right flank of Jackson, because he was at least three miles away and not across his flank, as shown in the first diagram. With Longstreet's presence, to have obeyed that order he would have been obliged with 10,000 men to have defeated 25,000 men in a chosen position before he could have moved upon the flank of the enemy, as the order directed?"

Thus General Grant puts Porter squarely in front of Longstreet with his 25,000 men, and says that he could not have obeyed the order without first whipping Longstreet's 25,000 with 10,000 men. He would have had to have done that and then turned around and attacked Jackson on the right flank. I admit this would have been requiring too much of a man whose movements were like those of General Porter; but I would ask General Grant to explain how it is that Longstreet shows that he had seven brigades at this time attacking Pope's left flank, yet he (Grant) says that Porter would have had to whip the whole 25,000.

He (Porter) was certainly not required to whip any one. He was only required to attack the right flank of the enemy, and the right flank of the enemy was the right flank of Longstreet's command. He was part of the enemy, his flank being in the direction of Porter.

General Grant says, "He was three miles away from Jackson's flank."

If so, then why not attack Longstreet, whose flank was sticking out in air where Porter could have attacked it, as it was the only flank that presented itself where he could attack? How then was he to construe the order? Was he to order his men to attack Jackson when the order did not say so? Was he to say, "Longstreet's flank is sticking out there; I can see it; but I am not to attack that; he is not the enemy; the order says to attack the enemy?" Will he say that does not mean to attack Longstreet?

This is the logic of General Grant's position.

General Grant also assumes that to have attacked under that order would have taken Porter until 9 o'clock, inasmuch as he would have to make disposition of some of his troops, issue orders, &c.

How is it possible that it would have required so much time when he was sent out there that morning for the purpose of fighting? What orders would he have been obliged to issue except to move the troops forward to the position of the flank and put them in line? And as he moved up the road, with his troops following, one regiment right after the other, and faced them to the flank of the enemy, he would have been in line ready for battle.

These men lay there the whole day prepared (as Grant says) at 12 o'clock for the attack on the enemy. Does General Grant come in now and say it would have taken him from 5 until 9 o'clock to have made an attack when his troops were in readiness to do so, as Porter himself claims they were at 12 o'clock on that day, and as General Grant also claims?

#### PORTER AND McDOWELL.

Let us contrast also the action of Porter with that of General McDowell, who, as the evidence proves, moved in line of battle and attacked the enemy at 6 o'clock, and McDowell's forces, with others along the line of Pope, were engaged in battle until 9 o'clock at night.

Could not Porter have fought his troops at this hour as well as General McDowell and other officers did theirs?

Was he to be a special exception to all rules of warfare?

Is he to be excused for everything he failed to do while others did the things he failed in?

I wish to call General Grant's attention to one little thing which occurred during the war, under his command.

He remembers the march that McPherson's troops made in the night from Jackson to Baker's Creek.

Does he not remember that while Pemberton, with nearly his whole army, was attacking Hovey's division, my division was moved in on the right of Hovey, and Crocker supporting Hovey, these three divisions receiving nearly the whole force of Pemberton's 50,000 men?

Does he not remember of one small brigade sent by me (with his assent) down through a strip of woods, a distance of a mile or a mile and a half away from the balance of the force, getting in on the left flank of Pemberton's army?

Does he not remember that that one little brigade of not more than 2,000 men attacked the left flank of Pemberton's army, and that the latter became so panic-stricken that the whole army fled, and we captured all the artillery and drove them that night across Black River?

If a brigade of 2,000 men could do this by striking the flank of the enemy, what does General Grant think Porter with his corps could have done by striking Longstreet's flank on that afternoon?

There may be this difference, however: General Grant will remember that his generals were in earnest, and supported him in all things that he required.

The evidence shows that after Porter received this 4.30 order a movement was made across Dawkins's Branch by some of his troops, and the general officer, while placing his troops in position as though going to move in the direction of Longstreet's flank, looked around to see where the other troops were and found they were all retiring.

The evidence shows that they not only did not advance, or attempt to do so other than what I have stated, but that they retired, and that some of Porter's command, to wit, one brigade, returned to Centreville that night, a distance of several miles.

The evidence shows that Porter did not attempt to communicate with Pope during the day, but that all three of the notes that he sent during the day in reference to position, &c., were sent to McDowell and King.

At the time that Pope issued this order to Porter it was expected that Porter would move forward, and McDowell's command would also attack at the same time. McDowell's command did attack, and Longstreet's forces poured down upon the left flank of Pope and forced them back, and instead, as I have said, of Porter's attacking or moving to the front he moved to the rear.

In order to show that Porter not only failed to obey orders, but that he attempted to demoralize the army, I herewith insert a note sent to General McDowell by him, which was received at Pope's headquarters at 5 o'clock precisely, as noted in General Heintzelman's minutes of the battle kept that day. General Heintzelman says in his minutes: "General Porter reports the enemy is driving him back, and he is retiring on Manassas."

#### PORTER DETERMINED NOT TO FIGHT.

This was received just at or about the time that McDowell was going into action with his division.

Here is the note received at Pope's headquarters:

GENERAL McDOWELL: Failed in getting Morell over to you. After wandering about the woods for a time I withdrew him, and while doing so artillery opened upon us. The fire of the enemy having advanced and ours retired, have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery and cavalry and infantry, and the advancing masses of dust show the enemy coming in force. I am now going to the head of the column to see what is passing and how affairs are going, and I will communicate with you. Had you not better send your trains back?

F. J. PORTER, *Major-General*.

In this note he says: "I withdrew, and while doing so artillery opened upon us, and the fire of the enemy having advanced and ours retired, I have determined to withdraw to Manassas." (Manassas being the station from which he started that morning, five miles to the rear.)

What artillery opened upon him? Two small pieces that I have mentioned before. One section of a battery fired a few shots at about 3 o'clock, when his men were directed to put themselves under cover to keep the enemy from discovering them. No attack was made upon him. He made no attack upon any one, and yet he says, "I have determined to withdraw to Manassas," showing that at the very time that Pope was in the height of the engagement the whole corps of Porter, covering his left flank, was probably then on the retreat.

He says further that "they have gathered artillery and cavalry and infantry, and the advancing masses of dust show the enemy coming in force."

Now the evidence shows that no enemy came in his front except what I have mentioned heretofore; that no attack was made on him, no movement in force

was made against him, and that but one brigade ever showed itself during the whole day, and that that did not advance upon him.

The evidence does show that the dust he mentioned was produced by dragging brush up and down the road, and in no other way; showing that he had decided not to fight, but was determined that Pope should lose that battle. By his conduct one might easily conclude that he was seeking to produce a panic in the army; and while a portion of his command were retreating back not only to Manassas, but to Centerville, Pope's 33,000 men were fighting the whole combined army of 47,000, with probably the exception of a few brigades, and the battle raged until, some reports say 9 o'clock, others 10 o'clock, at night.

Yet General Grant insists that those men could not have possibly gotten into that fight in any way during that engagement without being utterly destroyed.

You will see from the facts I have stated that General Porter did not only disobey the 6.30 order of the 27th, but disobeyed the 3 o'clock order of the morning of the 29th, which directed him to move on to Centerville; that he disobeyed the order delivered to him about 9 o'clock on the morning of the 29th, ordering him to push forward to Gainesville, in not leaving until 10 o'clock; that he disobeyed it in not pushing forward; that he utterly disobeyed the 4.30 order, directing him to attack the enemy's right flank; and, in fact, that he obeyed no order in any proper military sense that was given to him from the first order on the night of the 27th up to and through the engagement of the 29th. General Smith, who is now a paymaster in the Army, in a conversation with Pope on the morning of the 29th, told General Pope that General Porter would fail him in that battle. General Ben Roberts did the same thing. Porter did fail him, utterly disobeying his orders, so that General Pope was constrained to issue an order on the night of the 29th, in the following words:

"Major-General PORTER:

"GENERAL: Immediately upon receipt of this order, the precise hour of which you will acknowledge, you will march your command to the field of battle of to-day and report to me in person for orders. You are to understand that you are expected to comply strictly with this order and be present on the field within three hours after its reception, or after daybreak to-morrow morning."

And General Grant further says that he considers the facts given before the Schofield board "fully exonerated Porter of the charge of disobedience of the 4.30 order, and also in his lukewarmness in supporting the commanding general." How he can make this last statement I can not understand. I will here insert a paragraph from a letter of George B. McClellan, major-general, written on September 1, 1862, at 5.30 p. m., to Major-General Porter, at Centerville, commanding the Fifth Corps:

"I ask you for my sake, that of the country, and of all the old Army of the Potomac that you and all friends will lend the fullest and most cordial co-operation to General Pope in all the operations now going on."

I merely put this in to ask the question of General Grant whether or not McClellan himself does not show from the writing of this note to General Porter that he did not believe that he (Porter) was cordially co-operating with General Pope. This note was written three days after the battle, and yet General Grant says he is fully exonerated from the imputation of lukewarmness in his support of General Pope. The sworn testimony of a man named Lord shows that General Porter told him (Lord) that he was not loyal, and had not been loyal, to Pope, and all the facts collated show this statement to be true. Porter, with his troops—13,000 men under arms—lay the whole day within two and one-half miles of a battle raging where the artillery and musketry did not cease during the whole time.

#### WHAT PORTER SHOULD HAVE DONE.

I would like to know when a similar case has occurred? He ought to have moved and fought without orders to do so, but he did not move; he did not fight even with orders to do so; a better excuse for not doing so must be found.

I now wish to call attention to another proposition of General Grant's which is equally as astounding as anything in reference to Porter's conduct. Speaking of Porter he says that—

"Twenty years of the best part of his life have been consumed in trying to have his name and his reputation restored before his countrymen. In his application now before Congress he asks only that he may be restored to the rolls of the Army, with the rank that he would have if the court-martial had never been held.

"This, in my judgment, is a very simple part of what is possible to do in this case, and of what ought to be done. General Porter should, in the way of partial restoration, be declared by Congress to have been convicted by mistaken testimony, and therefore not to have been out of the Army. This would make him a major-general of volunteers until the date might be fixed for his muster out of that rank, after which he would be continued as a colonel of infantry and brevet brigadier-general of the United States Army from the date of the act, when he could be placed on the retired-list."

This proposition would give him over \$70,000 out of the Treasury of the United States for no act performed, for no duty done, for no service rendered, except the failure in performance of his duty on the 29th day of August, 1862.

General Grant ought to know whether Porter was dismissed or not from the Army on what he considers "mistaken evidence;" that he was dismissed and put out of the Army, his place was filled, and he has been a citizen ever since, is to-day a citizen and not a soldier. I know of no rule of law, no rule of justice that would give this to General Porter or to any other man dismissed from the Army. This rule would establish a precedent that would pay money back to every man dismissed from the Army that might ever afterward be placed back again, whether dismissed at the beginning of the war for disloyalty or not, if they could get up testimony such as is wanted.

Some have been put back into the Army by act of Congress since, and, under this rule of General Grant's, they could come and claim pay for the whole time they have been out of the Army, saying that they were not disloyal and were improperly dismissed. Every officer that may be convicted for misconduct in office, civil or military, and removed from office, if afterward on examination of the evidence obtains a decision that he was improperly dismissed, on this proposition would be entitled to pay while he was out of his office.

A proposition of this kind and a principle of this sort should not be entertained for a moment, and I am very much surprised to find a suggestion of this kind coming from the pen of General Grant.

I believe I have answered fully the propositions laid down by General Grant in justification of Fitz-John Porter, and merely wish to add that after twenty years have passed and the country has been raked and scraped for some kind of flimsy testimony for an excuse to restore this man to the Army, no such testimony has been found. The effort to vindicate Porter at the expense of the reputations of such men as General Garfield, General Hunter, and their associates, all honorable gentlemen, who found him guilty, and also to cloud the reputation of Abraham Lincoln, who approved the findings, can not succeed.

This is asking too much, even though it be asked by such men as General Grant.

JOHN A. LOGAN.

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